THE EVE OF CATHOLIC EMANCIPATION

BY THE SAME AUTHOR.

THE DAWN OF THE CATHOLIC REVIVAL IN ENGLAND, 1781-1803. With numerous Portraits and other Illustrations. 2 vols. 8vo, 25s. net.

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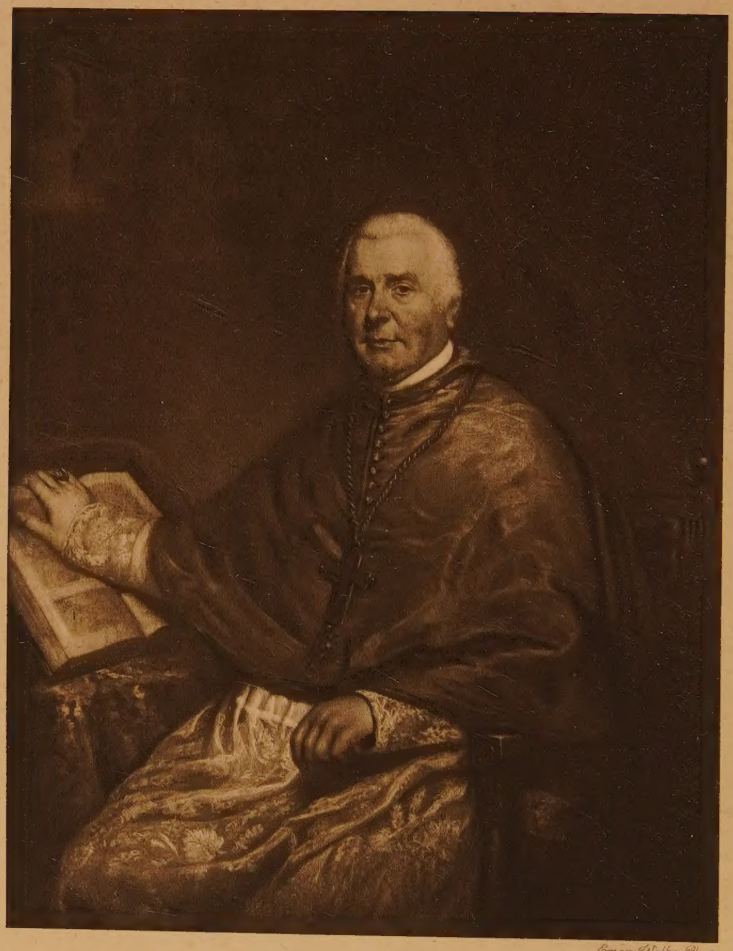

Emery Walker ph. sc.

Right Rev. James Yorke Bramston
Bishop of Usula
Vicar Apostolic of the London District 1827–1836

From a painting by Ramsay at St. Edmund's College

THE EVE OF CATHOLIC EMANCIPATION

BEING THE HISTORY OF THE ENGLISH CATHOLICS DURING THE FIRST THIRTY YEARS OF THE NINETEENTH CENTURY

BY THE RIGHT REV.

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PRESIDENT OF ST. EDMUND'S COLLEGE

AUTHOR OF "THE DAWN OF THE CATHOLIC REVIVAL IN ENGLAND (1781-1803)"

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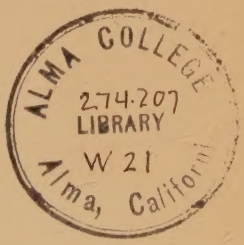

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CONTENTS OF THE THIRD VOLUME.

CHAP.		PAGE
XXXIV.	Revival of the English College at Rome	1
XXXV.	The Question of the English Jesuits	19
XXXVI.	The Question of the English Jesuits (*contd.*)	39
XXXVII.	Plunkett's Bill and the Oath of Supremacy	57
XXXVIII.	Sequel to Plunkett's Bill	76
XXXIX.	New Bishops	94
XL.	The Catholic Association	112
XLI.	The Douay Claims	128
XLII.	Illness and Death of Bishop Milner	150
XLIII.	The "New Catholic Association"	163
XLIV.	Last Years and Death of Bishop Poynter	178
XLV.	Events in Rome	197
XLVI.	The Clare Election	212
XLVII.	The Eve of Emancipation	228
XLVIII.	Catholic Emancipation	247
XLIX.	Emancipated Catholics	264
L.	Conclusion	280
	Appendices	286
	Chronological Table of Events	373
	Index	381

LIST OF ILLUSTRATIONS IN THE THIRD VOLUME.

RIGHT REV. JAMES YORKE BRAMSTON, Coadjutor Bishop, 1823, Vicar Apostolic of the London District, 1827-36 . *Frontispiece*

From a painting by Ramsay at St. Edmund's College.

FACING PAGE

CHAPEL OF ENGLISH COLLEGE, ROME. The old Sodality Chapel, used as the College Chapel, 1818-87 . . 13

REV. CHARLES PLOWDEN 30

Facsimile of a sketch intended as a basis for a painting, now kept at Stonyhurst.

RIGHT REV. JAMES DOYLE, Bishop of Kildare and Leighlin, 1819-34 66

From a miniature, after Haverty, in possession of the Archbishop of Dublin. The original was painted in 1830.

RIGHT REV. PETER AUGUSTINE BAINES, O.S.B., Bishop of Siga, Vicar Apostolic of the Western District, 1829-43 . 96

From a miniature in possession of the Bishop of Clifton.

DANIEL O'CONNELL 112

RIGHT HON. GEORGE CANNING 140

From a painting by Sir T. Lawrence and R. Evans in the National Portrait Gallery.

ST. MARY'S, MOORFIELDS 178

The original professes to be the Midnight Mass at Christmas, 1826. *If this is so, it represents the last Christmas at which Dr. Poynter assisted. The* technique, *however, including the vestments and position of the ministers, is very inaccurate.*

FACING PAGE

RIGHT REV. THOMAS WELD, Bishop of Amycla, 1826-30, afterwards Cardinal (1830-37) 186

From a painting at Archbishop's House, Westminster.

RIGHT REV. ROBERT GRADWELL, D.D., Bishop of Lydda, Rector of the English College, Rome, 1818-28; Coadjutor Bishop, 1828-33 204

From a painting at the English College, Rome.

SIR ROBERT PEEL 230

From an engraving after the painting by Sir T. Lawrence.

EDWARD BLOUNT 244

From a painting in possession of his grandson, Mr. Stephen Blount, of Loxley Hall, Staffordshire.

WILLIAM EUSEBIUS ANDREWS 260

From a print published with the Orthodox Journal *for* 1829. *It is, however, very rare, being apparently wanting in some copies.* (*See* Gillow's *Dictionary*, *i.*, *p.* 52.)

THE HON. HENRY HOWARD, Earl of Surrey, afterwards thirteenth Duke of Norfolk; the first Catholic Member to take his seat in the House of Commons after Emancipation Act 266

From a painting in possession of the Duke of Norfolk.

RIGHT REV. NICHOLAS WISEMAN, D.D., Rector of the English College, Rome, 1828-40; afterwards Cardinal Archbishop of Westminster 270

From a painting by Furse at the English College, Rome.

THE EVE OF CATHOLIC EMANCIPATION

CHAPTER XXXIV.

REVIVAL OF THE ENGLISH COLLEGE AT ROME.

At the beginning of the new reign, when in January, 1820, the Prince Regent succeeded his father as George IV. the agitation for Catholic Emancipation was entering on a phase of renewed activity, and although during the next few years it received several checks—notably in the defeat of the Emancipation bills of 1821 and 1825 respectively—it gradually gathered force until in the end it was crowned with success, by the well-known Act of 1829. The account of what happened during those years has accordingly now to be given.

In looking around at the influences at work during that period, we find one most important new figure appearing on the scene, in the Rev. Robert Gradwell, the Rector of the revived English College in Rome, and formal agent of the vicars apostolic. The effect of having a capable man living on the spot, whose special duty it was to watch over the interests of the English bishops, was to give them a position and power which had a far-reaching influence on the course of events. In order to trace these, it is necessary to consider the circumstances under which Gradwell was chosen, and the nature of his work during his eleven years' residence in the Eternal City. Some account must also be given of the unfortunate disputes between the bishops and the "Gentlemen of Stonyhurst"—as they were commonly called—the handling of which was the first important work undertaken by Gradwell, and brought to a settlement—for the time at least—within a few months of the accession of the King in 1820. In order then to understand his position, we must retrace

our steps for a while to describe the circumstances under which he first took up his residence in Rome.

Early in the year 1817, the Rev. Paul Macpherson resigned the agency of the English bishops. He had found the work heavy, and was himself becoming an old man. He had also had some differences with Dr. Poynter during the latter's visit to Rome, as we have seen, while on the other hand, Cardinal Litta had always treated him with a certain suspicion. It was natural that he should prefer to give his time to the service of the Scotch bishops, and now that there was a prospect of the Scots' College being re-established, he looked upon that as his chief work. The English bishops, though grateful for his past services, did not oppose his resignation. The Rev. Robert Smelt being now dead,[1] they had enough money to pay their own agent, and it was evidently to their advantage to have one who could give his whole time and thought to their interests. Their choice fell on the Rev. Robert Gradwell.

The Gradwells were an old Catholic family residing in Lancashire. Robert Gradwell was one of twin sons born on January 26, 1777.[2] He was sent to the English College at Douay, being among the last to enter there, for the threatening state of France at that time prevented many from venturing across the Channel. When the Revolution reached Douay, and the students and professors of the college were sent to prison, he was a boy in the "Second of Rudiments," [3] and he went through the entire imprisonment until the liberation of the Collegians in 1795. He afterwards completed his studies at Crook Hall, and after his ordination became a professor there, and then at Ushaw, until failing health caused him to retire from college life in 1809. He went to Claughton, to assist the well-known Rev. John Barrow, then an old man. On his death two years later Mr. Gradwell succeeded him, and here we find him when he was chosen by the Bishops to go to Rome. He had special qualifications for the post. Having been a pupil of Dr. Poynter, as well as a fellow-prisoner during the Terror, he had a great reverence for him; while his long residence at Crook Hall and Ushaw had made him well known to Dr. Gib-

[1] He died of lockjaw on August 24, 1814.
[2] The other remained a layman.
[3] Equivalent to the Second or Third Form at an English school.

son. These were the two most important bishops to consider. Dr. Collingridge had less business to do, and often did it through the Franciscans, to which order he belonged; while Dr. Milner always refused to have any dealings with the agent of the other bishops.

The choice of the Rev. Robert Gradwell was generally applauded. He was a man of considerable ability and a powerful advocate, being a most plausible speaker, with indomitable energy and determination, which went far to carry through any measure on which he had set his mind. It was felt that the vicars apostolic would now have everything done that was possible to watch over and safeguard their interests.

It has already been mentioned, however, that the work which he had before him in Rome was not limited to the episcopal agency. The question of the re-establishment of the English College was being very much discussed, and it was hoped that he might be appointed rector. In order to make clear the state of affairs which opened out this prospect, we must again go back a year or two and give a few additional details.

When Dr. Milner and Dr. Poynter were in Rome, each of them independently petitioned Litta that the College might be restored. The difficulty in the way was that Cardinal Braschi, who had been the "Cardinal Protector" since 1795, was still living, and was too old and infirm to be capable of any initiative. For a time Litta appeared as though he would be able to meet the case by taking the matter into his own hands; but further difficulties arose, and in the end the Pope appointed Cardinal Galeffi, a relation of Braschi, to act for him. In the month of April, 1817, however, Braschi died, and the jurisdiction of Cardinal Galeffi accordingly came to an end. At this juncture Litta appears to have formed a scheme of attaching the English College to Propaganda and made every preparation for carrying it out; but happily the Pope refused his consent.[1] In default of a new Cardinal Protector, Cardinal Consalvi temporarily assumed command, in his quality of Secretary of State. This was a favourable circumstance,

[1] See letter from Dr. Poynter to Dr. Collingridge (*Clifton Archives*) postmarked July, 28, 1817, in which he quotes a letter just received from Dr. Lingard, as his authority for this statement.

as he was well disposed towards the English Catholics and towards Dr. Poynter in particular.

With commendable promptness, Mr. Macpherson took up the cause of the college, and petitioned for the appointment of a new Protector, mentioning Quarantotti—who had been recently created Cardinal—as the one the English Catholics would like best. Probably, however, the Pope realised that in view of the ferment raised by his celebrated Rescript, his appointment would lead to fresh friction. Moreover, he was not a suitable man, for he was already in extreme old age: in point of fact, he died in September, 1820. Under these circumstances therefore Consalvi continued to discharge the duties temporarily, though at that time he refused to accept the office formally.

The re-establishment of the College was of course intimately bound up with the question of who was to have charge of it. In view of the fact that the Jesuits had ruled it until the time of their suppression, it was natural that—now that the Society had been revived—they should expect to be entrusted with it again. The Italian rectors who had charge of it during the last quarter of the eighteenth century had admittedly failed to govern with success, and the College had come to be looked upon as almost useless to the English mission.

While matters were being discussed, Mr. Macpherson one day by a mere accident discovered among the Archives of Propaganda a decree dated so far back as April 2, 1783, signed by Cardinal Antonelli, Prefect of Propaganda, by which the Pope acceded to the request of Bishop James Talbot and the other vicars apostolic that at the next vacancy an English secular priest should be appointed rector.[1] The concession seems to have been given somewhat grudgingly, for the decree begins by stating that "we are indeed of opinion that it is by no means necessary for the preservation of the strictest discipline that he should be chosen from the English Nation, and that English youths can be well and liberally instructed by an Italian, provided that they show themselves docile and attentive to his words. Nevertheless since this is so greatly desired by you, it shall be arranged in future that when a vacancy shall

[1] See the article by Right Rev. Mgr. Cronin, Vice-Rector of the English College, in *Rome*, April 2, 1910, p. 165.

occur, one of your own priests shall be placed over it, who excels others in piety, doctrine and experience in affairs."

It would appear that in some manner Cardinal Corsini, who was then Protector, prevented this decree from ever reaching England: at any rate, the vicars apostolic were ignorant of its existence for many years afterwards, and at the next vacancy an Italian was in fact elected and installed with something approaching to indecent haste.[1] After Corsini's death, however, when Cardinal Braschi had succeeded to his office, he determined to carry this decree into execution, though he seems to have allowed the vicars apostolic to suppose that the measure was due to his own initiative; for we find a formal letter of thanks to him on their behalf.[2] An opportunity for putting it into execution occurred when the Italian rector resigned in 1797; but the actual election of an Englishman in his place was prevented by the occupation of Rome by the French, which necessitated the closing of the College.[3]

When therefore the question arose as to re-opening it twenty years later, Cardinal Braschi being now dead, it could by no means be assumed that it would be entrusted to the English secular clergy until this decree was found by Mr. Macpherson. He at once carried it to Cardinal Consalvi, who promised to give it every consideration. Soon afterwards the matter was brought to a successful settlement, by the help of the Rev. John Lingard, who happened to be visiting Rome at that time with a view to consulting archives there. We can give the concluding stage of the negotiation on the authority of his own words, in a letter to Dr. Kirk, written fifteen years afterwards:—[4]

"On the death of Cardinal Braschi, the Protector, who had kept possession as long as he lived, Mr. Walsh [5] applied to the Pope through Cardinal Litta to obtain it for the gentlemen of Stonyhurst. He met with a refusal and left Rome. I accidentally heard of this, consulted Mr. Macpherson, and waited with Mr. M. on Cardinal Consalvi, to whom as Secretary of

[1] *Dawn of the Catholic Revival*, i., p. 65.

[2] *Archives of English College, Rome.* The letter is dated June 12, 1795.

[3] See *Dawn of the Catholic Revival*, chap. xxix.

[4] *Birmingham Archives*, at Begbroke.

[5] The Rev. Edward Walsh, an ex-Jesuit, who had come to Rome on business connected with the restoration of the Society: see p. 28.

State, in the absence of any Cardinal Protector, the care of the college belonged. From him we obtained a promise that if the bishops would propose to him a clergyman as rector, *he* would appoint him, provided no Protector were appointed in the meantime, and would take care that the property of the college should be devoted to its original purposes."

The appointment of the Rev. Robert Gradwell was made in the month of August. Lingard was back in England before he set out. They had an interview towards the end of August. Mr. Gradwell started on his journey on September 23, travelling by way of Paris and Geneva, across the pass of Mont Cenis, to Turin and Genoa. Here he took ship for Leghorn with disastrous results. We can give his own description of what happened:—[1]

"We went on board an English vessel in preference to a 'felucca,'" he writes, "expecting to reach Leghorn in twelve or at most twenty-four hours. But here our delay and disappointment began. The vessel was bad, the captain and mate ignorant and obstinate, and the weather unfavourable. On the Thursday and Friday we were in a dreadful storm, which drove us towards the coast of Spain. Returning on the Saturday, Sunday and Monday by Corsica and Elba into the Bay of Leghorn, but not within sight of the town, we expected to land in a few hours. But here again our danger and disappointment increased. The captain and mate persisted that they had sailed beyond the port, and though Mr. Bartram [2] knew the land and demonstrated it from the chart, they would listen to no remonstrance, but perversely steered the vessel over a shoal of dangerous rocks, till we were got half-way back to Genoa. As Mr. Bartram's arguments failed to convince, I endeavoured to prevail upon the captain to steer up to the first vessel that came in sight and make inquiries. This succeeded, and put the captain to shame. We had been observed from the lighthouse at Leghorn, which hung out the signal of our being bewildered and in distress; and both the merchants and pilots of Leghorn had given us up for lost. But after being tossed about for three days longer, in querulous impatience and helpless misery, we were almost miraculously saved from ship-

[1] Gradwell Letters (*Westminster Archives*).

[2] A merchant, who was acting as English vice-consul at Civita Vecchia.

wreck. During the storm my bed was so drenched with water that for the last six days of our voyage I never durst undress. The merchants at Leghorn were amazed at the account we gave of the ignorance and stupidity of the captain and mate, and could at first scarcely believe our report. Though every bale of the cargo was spoiled, thank God our lives were saved."

Mr. Gradwell landed at Leghorn on October 24, and proceeding by way of Pisa, Florence, Siena and Viterbo, reached Rome on Monday, November 3, going first to the Scots' College, where he was to be temporarily lodged. He met with a cordial reception both from Cardinal Litta and Cardinal Consalvi. The latter publicly introduced him as the new Rector of the English College; but more than four months elapsed before he was installed. Popular rumour was busy in explaining the delay. It was said that the Jesuits were making a determined effort to secure the College, and that the Italian fathers had made a petition to this effect. One rumour described them as assisted by twelve Cardinals; yet nevertheless as unsuccessful. Other people again said that a number of influential laymen educated at Stonyhurst who had recently come to Rome on a visit, were doing all they could to secure the same end. It is unlikely that there was much truth in these rumours. The Rev. John H. Pollen, S.J., in his articles on the restoration of the English Province,[1] declares that the English Jesuits did not at that time wish to possess the English College, as they could not then have spared suitable men to govern it. He declares indeed that the application of Rev. Edward Walsh for it was unauthorised. And the Pope assured Mr. Gradwell that no petitions had to his knowledge been received. The rumours, however, were very unfortunate. Mr. Gradwell continued to believe that they were not without some foundation. The English College had in times past been a bone of contention between the secular clergy and the Jesuits; and the feeling was revived in Gradwell's mind by the idea that the Jesuits were trying to prevent his nomination.

Eventually, on March 8, 1818, Gradwell received his formal appointment, and he was put in possession of the college on the 31st. At his first dinner on the following day, he enter-

[1] *Month*, June, 1910.

tained Rev. Paul Macpherson, Signor Galeassi,[1] and Sir John Coxe Hippisley, who was then staying in Rome.

Gradwell's troubles, however, were not yet over. The Italian officials who had been administering the College property—the "esattore," or rent collector, and the "computista," or accountant—resented the appointment of an English rector, and succeeded in placing various obstacles in his way. For a time they retained administration of the finances, and even claimed the right of controlling the domestic arrangements, so that on one day the rector returning home, found that the cook had been dismissed, and there was no one to prepare his dinner. He hesitated whether to be angry or amused. He had of course to appeal to Cardinal Consalvi. Sir John Coxe Hippisley also wrote, and matters were adjusted by handing over the financial administration to the rector. For several years after this, however, he continued to be hampered by the interference of certain officials, known as the "deputati" of the Cardinal Protector. After practically filling the office for two years, Cardinal Consalvi was formally appointed Protector in June, 1819. His "deputati" used to visit the college at frequent intervals, and interfered considerably with its administration, until Dr. Poynter wrote to Consalvi, pointing out the evils to which the system led, and it was changed.

As soon as Mr. Gradwell was installed, he was able to write to the English vicars apostolic to ask them to send out students. It was arranged that only those should be sent who were ready to enter on their philosophical studies, and that there should be no boys below that standard. This was in accordance with the constitutions of the college, and a return to its original state; but it was a great change from the condition in which it had existed during the greater part of the eighteenth century, when boys of all ages were admitted. That arrangement had been probably made in the first instance in order to accommodate the children of the exiled Jacobites, which need had of course now passed away. A still more important change, also a reversion to the previously existing state of things, was that there was to be no tuition of any kind given within the house, but the students were to

[1] The "Minutante" of Propaganda: see ii., p. 82.

attend the lectures at the Roman College, now known as the Gregorian University. These were of course all in Latin. They were given by some of the best men of the day in the various subjects, so that the arrangement was a great advantage to any students who were sufficiently advanced to follow them with facility; but it marked the English College out as one for picked students rather than for the rank and file, and made it substantially as it is known to-day.

The vicars apostolic all entered into the scheme with the exception of Milner, who refused to have anything to do with it. In answer to Mr. Gradwell, he wrote a few months later giving his reasons, in the following terms: —[1]

"I congratulate with you, Sir, on your appointment to the Presidency of the English College, of which event I never received any official notice but through [your] letter, and I sincerely hope that the new establishment may answer your wishes and labours: unfortunately, however, I cannot avail myself of the advantages it holds out to the English mission at present, for the following reasons. I do not understand, either from the rules of the College or from any authentic information from the Cardinal Protector, from Dr. Poynter or from yourself, that I have any right to send students to it: on the contrary, your letter appears to me to refer the appointment of them to this Prelate exclusively. Secondly, I have good reason to suppose that no person or thing which comes from me will be very acceptable to the Eminent Cardinal who is the chief superior of the College: at the same time that I have the consolation of knowing that his Eminence's objections to me are not grounded on any want of zeal or of successful efforts for the service of our common Father or our common Religion at any time during these thirty years past. Thirdly, in case my right of presentation were established, I should hesitate at the present time to avail myself of it in the existing circumstances; for as my whole hopes of supplying Pastors to my extensive District centre in my little Seminary and College of Oscott and the confined resources which I myself can provide for supporting it (the Holy See withholding its 2,000 crowns, the King of France alienating our funds in his dominions, and our Nobility and Gentry not contributing a

[1] Gradwell Letters (*Westminster Archives*).

shilling for such a purpose), I could not spare either men or money to send to Rome. My ecclesiastical students when they have got through their humanity[1] are generally fixed in their vocation, and begin to be wanted for the service of the seminary;[2] and the expense of a journey or voyage to the Holy City, joined to the risk of the young men being sent back at my expense (to say nothing of the danger of losing their vocation by mixing with improper company) almost frightens me."

He then proceeds to a similarly definite refusal of Mr. Gradwell to act as his agent as well as that of his colleagues.

"With respect to your obliging offer of transacting my business at Rome, as you transact that of my brethren, I sincerely assure you that wishing as I do for a British agent (inasmuch as it is impossible for good Mr. Argenti[3] or any other foreigner to understand our laws, customs, etc., which form the most important part of the business which I should have to represent to the Holy See) there is no one of my fellow subjects on whose talents and fidelity I should more securely rely than on your own, were it possible for you to promote the objects of my younger brother[4] whom the two others blindly follow, and my own: but this is absolutely impossible. Before you left England you must have witnessed the extraordinary care and industry which that prelate took to withdraw himself and all other Catholic affairs from my participation and cognisance; and the Rev. Paul Macpherson can furnish you with still more pregnant proofs of these efforts in letters which for the honour of my religion and station, I regret to have seen the copies. You are not a stranger, Sir, to our differences concerning the insidious Fifth Resolution, or its genuine offspring the schismatical and tyrannical Bill of 1813, or the Blanchardist Schism, or the Catholic Bible Society with its mischievous stereotype Testament. Now though on these and other subjects I have been found in the end to be

[1] *I.e.* finished their school course. The expression is still in use, in antithesis to their divinity, or theological and philosophical studies.

[2] That is, as junior masters, which work, owing to lack of means, they were often called upon to do concurrently with their own theological course.

[3] Rev. Father Argenti, O.P., a friar of the community of S. Clemente who acted for Dr. Milner and the Irish bishops.

[4] Dr. Poynter.

right and my Right Rev. brother to be wrong, owing to his pursuing the *Utile*, and myself the *Honestum*, yet the remnants of these controversies still subsist, and must of course be represented from time to time to the Holy See by each of us, but evidently not through the same person."

Milner thus took no part in the work of the English College at least during its first years. The colony of students sent out at the beginning numbered ten, of whom five were from the Northern District, four from London and one from the West. Among the Northern students from Ushaw was Nicholas Wiseman, the future Cardinal, of whom already the highest hopes were entertained. In view of his after history, the following recommendation of him written by Rev. G. Brown, secretary to Bishop Gibson, is of unusual interest. After a few words of recommendation of Mr. Henry Gillow, a member of the well-known Lancashire family, who formed one of the colony, he continues :—[1]

"Mr. Nicholas Wiseman is another fixed upon to accompany him, if his health will permit, or to follow as soon as he can travel. This young man may truly be pronounced above all praise. His talents are unrivalled in Ushaw College, his piety fervent, and solid, and his character as a Christian scholar quite without a fault. He is of a good family, and though quite independent in his circumstances, has voluntarily devoted himself to the English mission. . . . When they have become a little accustomed to the Roman schools, I think Mr. Wiseman will not fear to enter the lists with any Italian that can stand forth against him."

Among the four students sent from St. Edmund's there was also one of exceptional merit, destined in after years to become almost as distinguished in his own particular line. This was Daniel Rock, the great archæologist, author of such standard works as *The Church of Our Fathers*, *Hierurgia*, *St. Osmund's Rite*, etc.

The students set out in the early autumn, travelling by sea from Liverpool to Leghorn, whence they proceeded by road. Cardinal Wiseman has alluded in a well-known passage to the incidents of the voyage :—[2]

[1] *Archives of English College, Rome.*
[2] *Recollections of the Last Four Popes*, p. 4.

"It will be sufficient to say" (he writes), "that the embarkation took place on the 2nd of October, and the arrival late in December; that of this period a fortnight was spent in beating up from Savona to Genoa, another week in running from Genoa to Livorno; that a man fell overboard and was drowned off Cape St. Vincent; that a dog went raving mad on board, from want of fresh water, and luckily after clearing the decks, jumped or slipped into the sea; that the vessel was once at least on fire; and that all the passengers were nearly lost in a sudden squall in Ramsay Bay, into which they had been driven by stress of weather, and where they of course landed; and the reader who may now make the whole journey in four days,[1] will indulgently understand how pleasing must have been to those travellers' ears the usual indication by voice and outstretched whip, embodied in the well-known exclamation of every *vetturino*, 'Ecco Roma'."

Whilst the ship in which the young students were sailing was being tossed about in the Mediterranean, Mr. Gradwell was at Leghorn, anxiously waiting their arrival, scanning the waters day by day for any sign of the expected ship. For he wished personally to introduce them to their new country and surroundings, and to show them the glories of Pisa, Florence and Siena, on their way to the Eternal City. In this, however, he was disappointed. After waiting several weeks, he could not spare more time, and returned alone, not yet—as he explains—actually alarmed about their fate, for the delays of sea-travel in days when they depended on the weather for their motive power, were frequent and continual; but nevertheless anxious to hear some tidings of them. It was not until the middle of December that the news arrived of their safe landing. On the 18th the first party arrived, followed the next day by their companions who had been delayed by customs formalities.

Cardinal Wiseman has described his first impressions of the college; its spaciousness and dignity, the library with its books piled up in disorder, and the whole house bearing evidence of not having been inhabited for nearly the space of a generation. The old church of the Holy Trinity, which had formed part of the ancient hospice out of which the college had been formed,

[1] This was written in 1858. The duration of the journey is now under forty hours.

Chapel of English College, Rome

was still standing; but the roof was gone, all the altars had been removed, and the various tombs and monuments had been desecrated. No attempt was made at that time to restore it, but the old Sodality Chapel—which was large enough for the needs of the college—was put into use.

Within a few days of their arrival the new students were presented to the Holy Father; and as the feast of St. Thomas of Canterbury was at hand, advantage was taken for a formal celebration on that day. No less than nine cardinals—including Cardinals Litta, Somaglia, Gregorio, Mattei, Doria, etc.—assisted at the solemn high Mass, which was sung by the Pope's own choir. The altar furniture was lent from the Corsini Chapel at St. John Lateran. Among the English-speaking visitors present were Lord Killeen,[1] Lady Shaftesbury, and Mr. Philip Stourton. The two "Deputati"—Ab. Tosti and Ab. Piatti, the latter of whom was a Canon of St. Peter's and Professor of Divinity at the Roman College,—were there, and of course Rev. Paul Macpherson and Signor Galeassi.

During the first few weeks, the interest and excitement of their new life, and the sight-seeing in the Eternal City, provided occupation and interest for the new students. After a few months, the Rev. Robert Varley, formerly Prefect of St. Edmund's, arrived to fill the post of vice-rector; but his health giving way, he was supplanted by the Rev. William White, from the Northern District.

As time went on, the monotony of the life asserted itself, and the students grew discontented. They resented their daily walks to and from lectures, to which in former times the students had not been subjected, contending that in the heat of summer it was a trial to their health, and called out for tuition within the college. They likewise felt aggrieved at having to walk out in "Camerata,"[2] as it is called in Rome, although this was only insisted upon in a modified form, and of the various restrictions incidental to a college in a city. "They would wish to have the privilege of strolling two and two in the Metropolis," Gradwell writes, "as they would in the lanes and fields at Ushaw and Old Hall. This is im-

[1] The eldest son of the Earl of Fingall.
[2] That is, in a party, walking two and two.

possible," he adds; "it is quite contrary to all ideas of propriety at Rome, and for reasons not very obvious, perhaps, to good lads, would be the road to ruin. But instead of walking out with one or two Italian priests for prefects, two of the eldest are dressed *da Abbate* and they go in two bodies every afternoon, and on some days in the morning, where they will."

The feeling of discontent became acute and culminated in what Mr. Gradwell described as a "mutiny" in 1820. It would seem, however, that he attached rather too much importance to it. The "mutineers" did not proceed to greater lengths than refusing one day to go to St. Peter's in "Camerata," and staying at home in preference. Their unwillingness to go out did not last very long; but the question of attending the Roman College for lectures was agitated more seriously, for the rector was half-inclined to be of the same opinion as the students. To us indeed it appears that most of the advantage of a Roman training would have been lost had they ceased to attend the public lectures, and that the various evils attached to a small isolated educational establishment would have arisen. It would have ceased to be a college for higher studies, and reduced itself to the level which it was at before the Revolution. Such was Consalvi's feeling, and also Dr. Poynter's. The latter wrote in this sense to the Cardinal Protector, and the matter was so settled in November, 1821. The students were exempted from writing "dictates"; but continued to attend the public lectures, and entered for the "Concorso".

Notwithstanding their objection to going to the public lectures, however, the English students were exceedingly successful in their work, and established a reputation for the *Collegium Venerabile* the tradition of which has never been lost. Mr. Gradwell wrote to Dr. Poynter on November 5, 1820, with pardonable pride, describing the success of his students, in the following terms:—

"In Dogma Henry Gillow got a medal, John Kearns *laudatus amplissimis verbis.* In Moral Theology William Kavanagh got the medal. In Physico-Mathematics Wiseman and Kavanagh tied for the medal. *Proxime accessit* James Sharples. Daniel Rock *laudatus amplissimis verbis.* In Physico-

Chemistry Wiseman got the second medal. *Proxime accesserunt* James Sharples and Daniel Rock.

"All Rome is astonished at the performances of our students in the *Concorso;* a parcel of lads, strangers, our divines only in their first year, and competing with forty Italians who were finishing their fourth; our philosophers moreover composing their essays in Italian, and still bearing away the prizes in a language in which they are imperfectly skilled; and most of all poor Kavanagh,[1] one of the youngest competitors, bearing away two prizes hollow is considered as a prodigy unexampled in Academic history. The prize is a medal with the profile of the Pope, and on the reverse the Collegio Romano."

Mr. Gradwell proceeds to describe the nature of the *concorso* or examination, which was then much what it is now:—

"The *concorso* is this. Before the end of the year the Cardinal Prefect of Studies either by lot or choice selects fifteen questions from the treatise under studies, and some weeks before gives notice that the *concorso* will be on one of these fifteen questions. On the day appointed, all the students who have the courage to contend meet in their school. Each one is provided with pen, ink, and paper, but without any books or notes. The particular question is then declared. Each competitor then begins a dissertation on the subject. Five hours are allowed, but no communication with any other person is permitted to the candidate. At the expiration of the five hours, each one gives up his composition to the master. The first and second best compositions win a medal: the third is *laudatus amplissimis verbis;* the rest are classed according to merit, tenth, twentieth, fortieth, etc. Any place before the tenth is reckoned a great honour."

In the following year the Pope, to show his appreciation of the work of the College, conferred on the rector the honorary degree of Doctor of Divinity.

The summit of their success was reached three years later, when Mr. Wiseman, the future Cardinal, was chosen to perform a "public act". He had acquired a great reputation as a scholar. During his first year, when the custom was revived that an English student should preach before the Pope on St.

[1] Mr. Kavanagh, who belonged to the Western District, died at the College on September 18, 1820.

Stephen's Day, the student chosen having begged to be excused, Mr. Wiseman supplied for him at short notice, and discharged the duty with distinction. Later on he became noted for his industry in Oriental studies, and Mr. Gradwell records that he had written out a large section of the Bible in Hebrew. When it became known that he was chosen as a candidate for the highest academic distinction, his performance was looked forward to with unusual interest. Mr. Gradwell writes on July 13, 1824:—

"Mr. Wiseman's public defensions at St. Ignatius's are fixed for Wednesday next. They have excited great expectations in Rome. I am confident that he will acquit himself in superior style, to the honour both of the Roman College and ours."

The result fulfilled the highest anticipations. Mr. Gradwell describes it in full in a further letter a week later:—

"On Wednesday Mr. Wiseman defended at the Roman College his 400 theses of divinity. It is universally admitted that it was the most arduous, most able and most splendid defension that the Roman College has seen for many years, and has redounded very much to the honour of the Roman College as well as our own. In the morning he defended two hours and a half in the saloon against eight doctors, who successively disputed in presence of a large concourse of professors, priests, religious and students from the different Colleges and monasteries in Rome. I never before saw half the number at any former defension.

"But the performance in the afternoon was the most splendid. It was held in the church of St. Ignatius. Cardinal Zurla sat on the throne, facing the disputant. A circle was formed extending the whole breadth of the nave. In this first circle were 32 prelates, among whom were twelve Patriarchs, Archbishops or Bishops in pontifical dress, and about 20 doctors of divinity, including the professors of the Roman College and myself, all in their long robes. The second, third and other rows behind were miscellaneous, containing many distinguished persons, particularly ecclesiastics, but not in costume. Among the prelates were Mgr. Mattei, Patriarch of Antioch, Secretary of the Visita; Mgr. Caprano, Bishop of Iconium, Secretary of Propaganda; Mgr. Zen, Archbishop of

Chalcedon, Secretary of Bishops and Regulars; Mgr. Piatti, Archbishop of Trebizond, Secretary of Indulgences; Mgr. Sacrista, Bishop of [Porphyrium]; the Bishop of Ruti, the Bishop of Pesaro, etc.; Mgr. Testa, Secretary of Briefs to Princes; Mgr. Mazio, Secretary of Latin Letters; Mgr. Sala, Secretary of Rites and Penitenziaria; Mgr. Fornici, Secretary of Ceremonies; Mgr. Buttaoni, the Devil's advocate, *alias* Promoter of the Faith; Mgr. Nicolai, Prefect of the Annona; Mgr. Castracano, Secretary of the Fabrica di S. Pietro; Mgr. Lazzarini, Corsini Librarian; Mgr. Clarelli Primiciero del Clero Romano; several Camerieri Segreti of the Pope, and others in respectable offices. It was like a Roman Council. I saw the Curate of Geneva, the English Jesuits, Mrs. and Miss Standish, Miss Gerard, and some other English in the crowd. Monsieur Mennais[1] was to have objected, but he excused himself, and said that in such an assembly he could not say four words.

"Elevated in the middle of a desk or pulpit, with the Professors Piatti and Fornari, one on each side, a step lower than the defendant, Mr. Wiseman began by reading the dedication of the thesis, which was addressed to Cardinal Zurla; and then disputed about an hour and a half against the three most celebrated Professors of the Sapienza, on the Primacy of St. Peter, the necessity of Baptism, and the Three Witnesses, *i.e.*, the integrity of that text. He spoke with a composure, a clearness, fluency and depth which charmed everybody. After the third dispute was closed, Cardinal Zurla rose, clapped his hands, and applauded. The whole assembly did the same. Several Prelates, my particular friends, and others whom I invited, among whom was the Curé de Genève, all the Professors and some of the students of the Roman College and all our own College adjourned into the saloon where the defensions were held in the morning, to see the *laurea* conferred on the defendant. Cardinal Pacca, Prefect of Studies, had authorised by rescript the Professor of Scripture, who ranks as the first Professor in the College, to confer on Mr. Wiseman the Doctorship of Divinity *extra tempus* . . . Mr. Wiseman knelt down at an *altarino*, made the Profession of Faith of Pius IV., and swore not to teach heterodoxy,

[1] The well-known Abbé Lamennais who was then in Rome.

received the cap, the ring, the embrace of the Doctors, and sat down Doctor of Divinity.

"The whole passed off with the greatest *éclat* and has given great satisfaction throughout Rome. The Professors and friends of the Roman College speak of this defension with triumph, as a proof that they know how to teach and these scholars how to learn; but with melancholy from the consideration that this, which is the first of our public triumphs, is the last of theirs. I am afflicted to hear them, and I partake of their feelings. On Thursday the new doctor and I dined with Cardinal Zurla, called to thank Cardinal Pacca, Mgri. Caprano, Nicolai, Testa, the professors, etc., etc. I never met with such cordial congratulations from all sorts of persons."

CHAPTER XXXV.

THE QUESTION OF THE ENGLISH JESUITS.

HAVING introduced ourselves in the last chapter to Dr. Gradwell, we are now in a position to follow out the history connected with the restoration of the Society of Jesus in England, concerning which there were long disputes in which he took a leading and influential part.

We can begin with the promulgation of the bull *Sollicitudo omnium Ecclesiarum* on August 7, 1814, which announced the restoration of the Society throughout the world. It might at first almost have been assumed that the "Gentlemen of Stonyhurst," as they were popularly called, would have been recognised as Jesuits by the vicars apostolic from that time without further ado. This was the line of conduct pursued in Ireland, where from that time forward the Jesuits were recognised as such by the bishops, and accorded all their privileges and exemptions. They opened the now famous college at Clongowes Wood, and received every encouragement in their work.[1]

In England they had still more reason to be anxious for the formal restoration of the Society under the bull *Sollicitudo*, in consequence of the anomalous position in which they were still placed. Only a few months before—in December, 1813—they had succeeded in obtaining, through the nuncio at Vienna, a rescript written by the authority of the Pope—then still in captivity—confirming his former verbal permission that they might take Jesuit vows, and be affiliated to the Russian Province. Still, however, the vicars apostolic were not informed, and the rescript sent by Cardinal Borgia in December, 1803, prohibiting the bishops from recognising any claims of the

[1] There was, however, this important difference between the status of Jesuits in Ireland and that in England, that they had never been entrusted with parishes, or missions. This has continued to be the case until the present day.

"Gentlemen of Stonyhurst" until they should receive definite instructions from the Holy See, continued in force. Thus the Fathers had a double status to maintain, one among themselves as Jesuits, the other to the bishops, before whom they ranked as ordinary missionary priests. This put both parties in a difficult position, and it is no wonder that the English Fathers learned of the promulgation of the bull *Sollicitudo* with thankfulness, hoping that it would put an end to their embarrassments.

The vicars apostolic, however—with the exception of Milner—had from the first been strongly opposed to the restoration of the Society, and taking their stand on Cardinal Borgia's Rescript of December, 1803, they declined to acknowledge the bull *Sollicitudo*, as applying to England until they should receive formal notification from Rome. This attitude was not due to any feeling against regulars as such. Dr. Poynter, who practically acted as their leader, had taken an active part in helping to establish the proper organisation of the restored Franciscan Province, and he was on cordial terms with the Benedictines. In common with the other vicars apostolic he appreciated the educational work carried on by the Stonyhurst Fathers, and his name occurs among the list of subscribers to their building fund. But he feared that a result of the formal revival of the Society would be a renewal of the unfortunate dissensions between the two sections of the clergy, which had produced such disastrous consequences in the past. We can quote his own words, from a letter which he wrote to Propaganda some years later, when the question was again being raised. After quoting the testimony of Bishop Challoner as to the evils of the dissensions in the past, he continues as follows:—[1]

"These things I write, not from any spirit of hostility towards the Society of Jesus. That Society indeed I have reverenced from my youth upwards; and at the present time, I cherish it with no less benevolence as an institution which has deserved well in many ways of the Church of God. But while to this Society, so worthy of all praise and esteem, I wish to add also my own esteem, I cannot be unmindful of

[1] *Westminster Archives.* The date of the letter is May 18, 1826. The original is in Latin.

what I owe to the English mission as Vicar Apostolic, and I cannot conceal what I clearly foresee will follow from the restoration of this Society in England, namely a renewal of the old dissensions and troubles, not indeed from the constitution and mind of this most holy Society, but from the singular spirit which the English Jesuits showed of old, and which those who now wish to become Jesuits manifest."

Dr. Poynter had also a further reason for being unwilling to recognise the Society as restored, which probably in the heat of the contest, in fact, weighed with him still more. This was the political aspect of the Emancipation question, which he thought would be adversely affected by such a measure. The word Jesuit had an evil sound in the ears of an average Englishman, and Dr. Poynter saw the necessity of considering such prejudices at the moment when they were hoping to obtain Emancipation. On July 31, 1815—a month after his return from Rome—he wrote to Rev. Paul Macpherson in this sense:—[1]

"The Pope's bull for the re-establishment of the Jesuits was laid before Parliament about the beginning of this month, and it is to be made, I suppose, a subject of future discussion. You must know that it was not laid before the House with a view to favour them. It will be an exceedingly delicate, not to say a dangerous thing, for me to acknowledge the re-establishment of the Jesuits in England by any official act. I may be questioned very probably on the subject. It is necessary to be extremely cautious in this respect, not to expose the common cause of religion."

In his general policy, Dr. Poynter had the support of Cardinal Consalvi, who felt keenly the debt of gratitude which he and the cause of the Holy Father owed to the action of Great Britain, especially to Lord Castlereagh's attitude at the Congress of Vienna. In return he felt it his duty—if only as a matter of good feeling—to show his appreciation by consideration for the English, and a genuine desire to avoid wounding their prejudices, however unreasonable these might be. He had himself come across something of these prejudices during his visit to England in 1814. This was immediately before the formal restoration of the Society. On his return to Paris, he wrote to

[1] *Archives of English College, Rome.*

Cardinal Pacca on July 25 counselling caution. "As to the Jesuits," he wrote, "I should think it well to advance with great watchfulness and deliberation as regards England, and not to pledge oneself to anything, considering the decided opposition of the Government. 'All cannot be done in a day,' as the proverb runs, and again 'one must give time to the times'. As for the Jesuits or semi-Jesuits in that country, it will therefore be necessary in my judgment to proceed slowly—very, very slowly."[1]

Dr. Poynter also at first had the support of Cardinal Litta. As soon as he was confronted with the whole question, he wrote to Propaganda in the following terms:—[2]

"I have been lately asked by the Rev. Mr. Stone who is said to be the Provincial of the Jesuits in England, to perform an act by which I should recognise the restoration of the Jesuits in England quasi-officially. As a question bearing on the restoration of the Society is to be brought forward in our Parliament, and perhaps may lead to a discussion, I have thought well not to commit myself to anything, nor to do anything until I receive from the Sacred Congregation, or from the Sovereign Pontiff, an explicit command to recognise the Society in England, with permission to show it to our Government, if this should be necessary in order to justify myself."

Cardinal Litta answered on December 2, 1815, that the Society was to be considered restored only in countries "in which the civil governments consent to receive and recall them"; and while he exhorted Dr. Poynter to help towards their restoration in England—for he had received excellent accounts of the piety and discipline at Stonyhurst—he begged him to exercise great prudence, and to do nothing that would needlessly irritate the Government.[3]

This answer was decisive in Dr. Poynter's mind. The British Government had certainly expressed no consent to "receive and recall" the Jesuits; therefore they were not restored. It is true that this limitation is not expressed in the bull *Sollicitudo;* but this was an authoritative interpretation of

[1] See article by Rev. J. H. Pollen, S.J., in the *Month* for June, 1910.

[2] *Westminster Archives.* While Cardinal Litta was over Propaganda, it was not uncommon for the bishops to write in English, which language he understood perfectly.

[3] See Appendix K, where the full text of the letter is given.

it, and, as Butler points out, it is an acknowledged maxim both in civil and canon law, "Cujus est legem dare, ejus est interpretari"—or the giver of the law is the best interpreter of it. The explanation given afterwards was that the bull was general and applied to the whole Church, so that in any country in which the civil Government wished for the restoration no further bull or rescript would be necessary.[1]

The "Gentlemen of Stonyhurst," however, took a different view of the whole question. They considered the bull "*Sollicitudo*" as in possession unless reason was shown to the contrary; and with respect to the alleged unwillingness of the British Government to accept the restoration of the Society, they frankly disbelieved it. Their contention was that the ecclesiastical *status* of a missionary was a purely personal affair, and that Government would not think of intervening, nor would they care whether the Stonyhurst priests were subject to the vicars apostolic directly, or whether they were under their own superiors, and had only indirect relations with the vicars apostolic. We can quote their official explanation of their standpoint, from one of the numerous memorials presented by them to Propaganda:—[2]

"The mistake consists in confounding the notion of a religious body recognised by law—that is, which enjoys a civil establishment—and the notion of tolerating in the State private individuals who are professed. The English Government having established the Protestant sect as the religion of the State, does not recognise any other religious association as established, although it does not disturb in that kingdom men of other sects and individual professed Catholics, for instance Benedictines, Dominicans, and other priests. Provided any Catholic whatever takes the prescribed oath, no magistrate can require more from him. If a monk or one of the Jesuits be asked, 'Are you a Benedictine? Are you a Jesuit?' he may

[1] See letter from Cardinal Consalvi to Dr. Poynter, Appendix K.

[2] Out of the many memorials presented in Rome on behalf of the Jesuits, we have selected as typical that presented by Father Grassi to the Holy Father in November, 1818. It is given in full by Butler in his manuscript account of the Jesuit controversy, designed originally to be incorporated in the third edition of his *Historical Memoirs*, but eventually omitted for fear of giving offence. He likewise gives an English translation of the Memorial. Manuscript copies are amongst the *Westminster Archives*, and at Oscott College. Considerable use will be made of it in the following pages.

refuse to answer such a question so far as relates to his own individual affairs, or, if he chooses, he may candidly reply, 'I am a Benedictine, I am a Jesuit, and have a right to be so; the law permits me to be so' (*v.* Act of 1778).[1]

"Hence it will be understood that Lord Castlereagh, Lord Sidmouth and Mr. Poynter may with truth say that the Government does not wish the Jesuits to be established in England, or as Sir John Hippisley expresses it, "incorporated," although they well know it is permitted to any member of any religious Order to remain quietly in this kingdom."

Unfortunately the writer of the Memorial, in his anxiety to defend his colleagues, thought it necessary to accuse the vicars apostolic of unjustifiable aggression, and even of misusing their spiritual powers in order to gain possession of Jesuit property. "Without the Ordinations, which are denied," he writes, "without the bond of religious vows (since those already taken have been declared to be invalid by the Vicars Apostolic), with the danger of losing their property, which it is wished to obtain by means of censures, is it possible that this most important College can stand?" He states that there were then 240 boys at the college, "descended from distinguished Catholic families whose ancestors were always educated by Jesuits, and even numbered martyrs among them"; and that "it enjoys the best reputation, as well for letters as for morals". He even says that "Italy itself, although a country altogether Catholic, does not contain any establishment like it". And he adds that "since the fall of Bishop Poynter's College at Old Hall Green, Stonyhurst was

[1] We have given this explanation as a type of that usually put forward by those who wished to prove that the existence of Jesuits in England was legally tolerated; and it is true that individually a Jesuit could live in England without infringing any law. But in the Act of 1791 a clause was added which seems deliberately aimed at prohibiting the restoration of the Society, or the formal establishment of a religious house. The words are as follows:—

"Nothing in this Act contained shall make it lawful to found, endow or establish any religious order or society of persons bound by monastic or religious vows".

This provision had indeed been contravened on a large scale with impunity, as the result of the breaking up of the English religious houses on the Continent during the progress of the revolution, and many of them had been re-founded in England without molestation on the part of the Government; and there was every reason to believe that the clause was not likely to be enforced in the future any more than in the past. But it remained the letter of the law.

the only suitable place of education for the Catholic laity". This last statement sounds at first strange, considering that the College at Old Hall has continued without intermission to the present day; but in fact in the year 1818 it changed its character very much. Before that time, nearly all the best Catholic families patronised it; but after that date, when Dr. Griffiths was President, it became predominantly ecclesiastical. The change was made with Dr. Poynter's knowledge and approval, and he never regretted it. Father Grassi had therefore some right to speak of the decline of Dr. Poynter's College as a lay school; but he went further, and said that "the other Seminaries"—meaning presumably Ushaw, Oscott and Old Hall—had met with no success;[1] on which Charles Butler gives his opinion that each of them had educated more missionaries than Stonyhurst. The following paragraph also might well have been regarded by the Catholic laity as a calumny on them, and seems to imply that no adequate Catholic spirit was to be found in any of the colleges other than Stonyhurst.

"In these times," Father Grassi writes, "when a certain alienation from the Holy See is become general, and particularly in a country where so much is said about independence, about reducing the Catholic religion to the level of the national Protestantism, or of new fashioning it *à la* Utrecht, and of causing his Britannic Majesty to become head of the Catholic religion as he is of that of the Anglicans, it is of great importance that there should be religious instructors of whose sincere attachment to the Apostolic See there may be every security."[2]

The whole view put forward by the Stonyhurst fathers was adopted vigorously by Bishop Milner, who always treated them in his district as Jesuits. In support of his action, he sent to Dr. Gibson an extract from a letter from Archbishop Troy, which ran as follows:—[3]

"The conduct of your Vicars Apostolic is to me unaccountable. Here (in Ireland) without any publication of the bull, they are acknowledged and employed in the ministry,

[1] P. 78.

[2] It is worthy of remark that a fair number of the members of the "Cisalpine Club" were former students of Liége and Stonyhurst; but neither they nor other members of the Club professed any seriously erroneous doctrine such as the name "Cisalpine" might be thought to indicate. See ii., p. 297.

[3] *Archives of English College, Rome.*

with great benefit to religion. They have a public chapel in this city (Dublin), they are ordained *titulo paupertatis*, etc. There is not a whisper of opposition against them, either from the clergy or laity, from Protestants or the Government. It is impossible for Lord Castlereagh not to know this: why then does he permit it, if he be hostile to the Jesuits?"

This letter brings before us the essential difference between Ireland and England as before. In Ireland the Catholics were strong enough to disregard opposition of this kind, and their policy was to force on Emancipation by strength of numbers. In England they had no such numbers, and they depended on personal influence and good will. Naturally, therefore, they had to show a subservience to those in power which in Ireland was uncalled for, and would even have been unwise. Hence the long and weary contest between the vicars apostolic (except Milner) and the "Gentlemen of Stonyhurst," which lasted well-nigh fifteen years, and was not settled till the fortunes of Emancipation were practically decided.

The question centred around what is theologically known as the "title of Ordination". The secular clergy in England were accustomed to take a "Mission Oath," the effect of which was to bind any one taking it to serve the mission in obedience to his bishop, who on his part became responsible for the support of the missioner in sickness and old age. In the case of a regular, however, the title of Ordination is "Religious Poverty," the effect of which is to transfer his allegiance to the superior of his order, and the order becomes liable for his support all his life. A test therefore of whether a man is a regular or a secular is to be found in the title of Ordination. Closely akin is the power of granting "dimissorial letters," or leave for Ordination, which are always given by the superior of the candidate—that is, in one case by his bishop, in the other by the superior of the religious order to which he belongs. Then in a country such as England, where both seculars and regulars act as missionaries, a further practical difference is that in the one case the bishop appoints the work to be done, and the missionary is responsible to him for doing it, while in the other that function is discharged by the superior of the order—in the case of the Jesuits, the provincial. As the division of the country into dioceses, or "districts," does

not affect the regulars, it follows that a provincial can send a priest to work anywhere in the province, while a secular priest is limited to the diocese or district of his own bishop. Hence it followed that if one of the Stonyhurst students, on being ordained sub-deacon, were to take the mission oath, he would be transferring his allegiance from his own superior to the bishop of the district to which he belonged.

Nevertheless they had always taken the mission oath[1] at Stonyhurst even after they had been permitted to take Jesuit vows in private. In practice, the vicars apostolic had always allowed the Liége priests, and afterwards those of Stonyhurst, practically to look upon one of the ex-Jesuits as their superior. This custom had been initiated by Bishop Challoner out of sympathy with the Fathers, at the time of the suppression in 1773. The Rev. Thomas More was at that time provincial, and he continued to act as their informal superior until his death in 1795, after which the Rev. Marmaduke Stone, Rector of Stonyhurst, assumed that office. The consideration which the Fathers met with from Dr. Challoner and the other vicars apostolic was indeed exceptional, and although Bishop Talbot in 1787 had refused to make the arrangement definite and perpetual,[2] he nevertheless practically allowed it to continue, as the other bishops also did.

Nor was there any reason to think that the Vicars Apostolic of 1815 would act differently from their predecessors in this respect. Hence it is not obvious at first sight why there should be any greater difficulty then than there had been previously. It would therefore seem that when from 1814 onwards they refused to take the oath which up to that time they had all taken, it was in order to assert their contention that a new state of things had arisen. They contended in fact that the condition for the restoration of the Society had been fulfilled, and they looked forward to establishing what they considered their just rights in the near future. Nor can we wonder at their impatience, after their long and weary

[1] The Stonyhurst oath was not quite the same in form as that taken by the secular clergy: there was no clause promising not to enter a religious order, nor any restricting the work of the future priest to any particular district. In other respects it was practically the same.

[2] See *Dawn of Catholic Revival*, i., p. 80.

waiting, to see the day when they could be openly proclaimed as Jesuits and keep the rule of St. Ignatius in its entirety. During those dark days, it has been pointed out that the one thought which animated them and kept them together was that they were educating those who they trusted would form a new generation of true sons of St. Ignatius, and they longed to see the accomplishment of their hope. If they were now to acquiesce in the *status quo*, and to continue to take the mission oath as though the bull *Sollicitudo* had no reference to them, to put it at its best, the date of the open restoration of the Society in England would be indefinitely postponed. To take the mission oath would be in fact to abandon their contention.

They determined therefore to make representation to the Holy See, and in the early months of the year 1817, they selected the Rev. Edward Walsh, of Durham, to go to Rome as their deputy. He was an old man, and had been a Jesuit before the suppression of the Society, but he had never renewed his vows, even secretly, and was then living as a secular priest. The fact that he resided at Durham and was one of Bishop Gibson's priests no doubt influenced their choice. His mission, however, was not entirely successful. He had indeed the influential support of the Jesuits in Rome; but some of the other supporters of the English Jesuits were not in favour there. In particular may be mentioned Rev. Peter Gandolphy, a former Stonyhurst boy, and the Irish friar Rev. Richard Hayes, both of whom have been mentioned at length in previous chapters. They both spoke bitterly of the question in dispute, accusing the bishops of unworthy motives, of ambition and of trying to possess themselves of Jesuit property, and the like. Their advocacy did not advance the Jesuit cause, for they made it appear a party contention. Mr. Walsh himself appears to have been unguarded in his language. We have already alluded to the claim which he made on behalf of the Society to have the management of the English College restored to them, for which they afterwards declared that he had no authorisation. There was a long-standing dispute as to some of the funds which had become attached to the College, which the Fathers had maintained to be really Jesuit money, and Mr. Walsh renewed the claim to these; but

he was not successful in establishing it, nor in securing any tangible result of his mission.

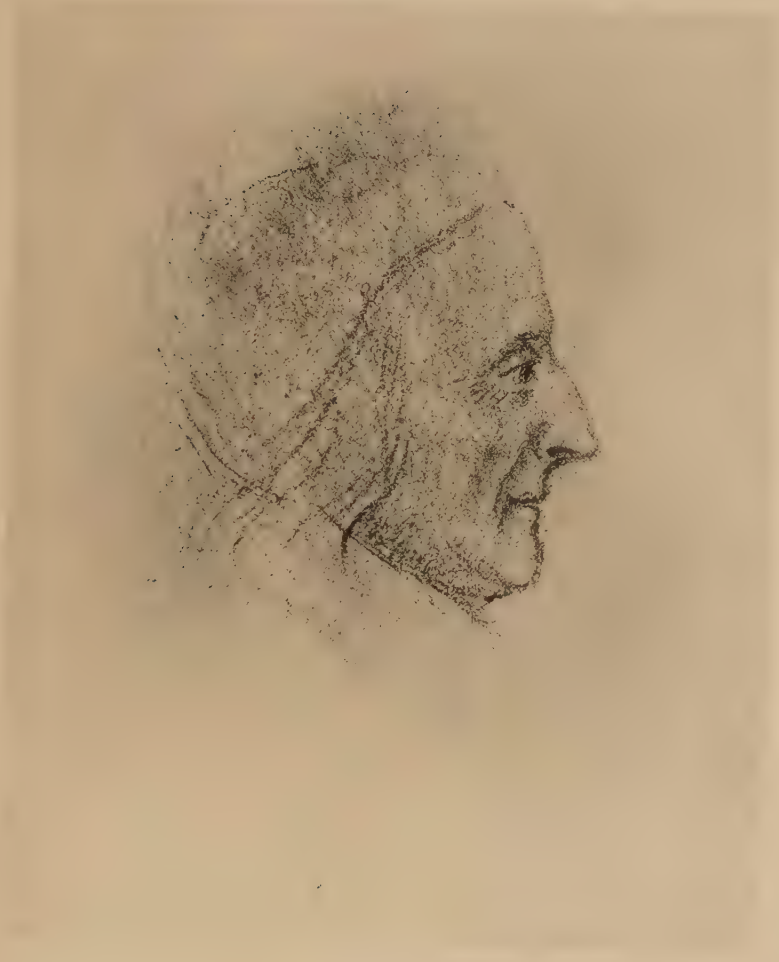
It is clear enough now that the Holy See was anxious not to come to any final determination at this time. The Holy Father did not wish to decide against the Jesuits, as he hoped to see the Society re-established at no distant date; but for the present he accepted Consalvi's view that it would be an ungracious act to the English Government to proclaim them restored at this time. He was aware that inside their houses they lived as Jesuits, and he thought that was enough for the time being, till better days should come. Cardinal Litta therefore wrote to Father Stone by the Pope's desire on June 11, 1817, explaining the meaning of the bull *Sollicitudo*, and recommending the Stonyhurst novices to seek ordination *titulo missionis*, as they had always done before. Mr. Walsh brought this letter back to England, and after delivering it, retired to Durham, where he arrived about the middle of August.

Immediately after his departure from Rome, the Father General determined to send a deputy to England to inquire into the state of affairs on the spot. As a result of his visitation it was considered that a more active and vigorous man was required at the head of affairs, and Father Charles Plowden was called from Hodder to become Rector of Stonyhurst. He likewise adopted the title of provincial, though of course the use of it raised controversial questions. Whatever else may have been thought of the appointment, it was at least evident that affairs would now be conducted with vigour and initiative. Charles Plowden was now an old man, more than seventy-five years of age; and the one longing of his life—that he should see the restoration of the Society in England—was within measurable distance of accomplishment. He willingly threw himself into his work, with all his old zest, and perhaps it is fair to add also with more restraint of speech than he had used when he fought the Cisalpines a quarter of a century before. At the same time, Father Grassi, a Lombardian Jesuit, who had spent several years at Stonyhurst, was recalled from North America, where he then was, to Rome, to work on behalf of the cause.

Soon after this two important opponents of the Jesuits came to Rome. One was Dr. Gradwell, of whom we have

already spoken; the other was Sir John Coxe Hippisley, who arrived at the Eternal City towards the end of December, 1818. The latter came on a private visit; but he was an informal intermediary between the British Government and the Pope, and he always liked to play the part of the friend of English Catholics. He had an audience of the Pope on February 1, 1818, at which he explained the attitude of the British Government on the question of the Veto and his own Committee of Inquiry, and proceeded also to explain the objections felt to the restoration of the Society of Jesus. He afterwards published his "Statement of Facts" which he drew out for his Holiness, and which was intended as a justification of himself in respect to all he had done, both in connection with the Veto question and in his opposition to the Jesuits. His visit being informal, no direct result was looked for or achieved; but it seems clear from the language subsequently used in Parliament, that some sort of understanding was reached with the Holy See about several questions of policy connected with Emancipation. Moreover, during his stay in Rome, Sir John Coxe Hippisley became intimate with Dr. Gradwell, who continued afterwards to correspond with him. This gave Gradwell an informal means of communication with the British Government. Considering that Lord Castlereagh was in frequent correspondence with Cardinal Consalvi, this was not entirely without its bearing in regard to all questions connected with the state of Catholics in England.

With Cardinal Consalvi in full power, Dr. Gradwell rapidly gaining influence, and Sir John Coxe Hippisley pressing the objections of the British Government, it would have seemed that the opposition to the Jesuits was, at least for the time, in a position of great strength. On the other side, the only power to be relied on was the personal influence which Father Grassi was obtaining over Cardinal Litta. This, however, proved sufficient for the moment. In previous years, Dr. Poynter and Mr. Bramston had complained of what they termed Litta's "versatility": they were now to experience a fresh instance of it; for while little more than two years before he had written that the Society was not yet re-established, and only a few months before he had recommended the Jesuits to present their subjects for ordination as missionaries, now under Father



Rev. Charles Plowden

Grassi's persuasion, he wrote a letter to Bishop Gibson, dated February 14, 1818, informing him that the bull *Sollicitudo* applied to the whole world, and therefore to England; that Father Charles Plowden was provincial; and that their subjects were to be ordained *titulo paupertatis*.[1] And in order to evade the opposition referred to, he took the simple course of saying nothing about it either to Gradwell or Consalvi or even the Pope himself.

This course at first strikes us as bold; but on consideration it seems strangely unwise. For as soon as the letter was acted upon, news must necessarily reach Rome, and his conduct would be open to grave exception. This was exactly what happened. Dr. Gibson was too infirm to deal with the matter personally; so he sent the letter on to Dr. Poynter, then in Paris, who in turn wrote to Dr. Gradwell. The latter lost no time in calling on Cardinal Consalvi, and also laid the matter before the Holy Father himself. The result can be given in Gradwell's own words from a letter to Dr. Poynter dated April 18, 1818:—[2]

"Cardinal Consalvi addressed me as follows: 'I thank you for your note. The information it gave me is of great importance and demands our immediate attention. I have just been informing his Holiness of the business and gave him Cardinal Litta's letter to read. His Holiness read the letter with surprise, and then said: "I never heard of this letter before. It has been written without my knowledge and without my authority. It is true that the bull of restoration of the Order of the Jesuits is published to all the world; that such Governments as choose may adopt it; but it is not to be forced on any."' The Cardinal then added: 'The Pope is exceedingly displeased with the letter of Cardinal Litta: *moltissimo, moltissimo;* in the meantime you may write to the Bishops, and leave the rest to me'."

Three days later, in a second interview, Consalvi spoke even more strongly. We can again quote a letter from Dr. Gradwell:—

"He asked me if I had written to you or Bishop Gibson about what the Pope had said concerning Cardinal Litta's

[1] See Appendix K. [2] Gradwell Letters (*Westminster Archives*).

letter ordering Bishop Gibson to acknowledge the Jesuits and ordain them *titulo paupertatis*. I said I had written to both and told them that the letter was written without the knowledge and authority of the Pope and that his Holiness was displeased with it. [He said] 'This is all true, but I told you to say more. I said it was written without the Pope's knowledge, *and without mine*. That the Pope was very much displeased, *and so am I*. I wish you also to tell the Bishops this, and add that in a short time something will be done to neutralise the letter and *make it as if it had not been written*' —and for fear I did not understand the full meaning of the expression, he put it in these three ways, *come non uscita, come non mandata, come non scritta*."

Cardinal Litta now finding himself in difficulties, appealed to Father Grassi, begging him voluntarily to forgo the benefits granted, and to write to that effect, so as to cover his (Litta's) retreat. This, however, Father Grassi resolutely refused to do, and Litta had no alternative but to withdraw the letter absolutely. On May 5, 1818, he wrote to Dr. Gibson by order of the Pope, formally revoking his former letter "as if it had not been written".

Nor did the matter end here. A few months after this, various changes took place in the Curia, and advantage was taken to remove Cardinal Litta from Propaganda. His new office was that of Cardinal Vicar of Rome, or administrator of the Pope's diocese, which had become vacant by the death of Cardinal Caraffa di Franetta in September, 1818. This was regarded as a higher office than Prefect of Propaganda, and was accordingly nominally a promotion. Dr. Gradwell always took the credit to himself for having brought the change about, by keeping before the mind of the Pope the unfortunate effects which he contended had resulted from Litta's letter to Dr. Gibson.

The new Prefect of Propaganda was Cardinal Fontana. The change so far as the English vicars apostolic were concerned was at once apparent. Fontana owed his cardinalate to Consalvi, and was a loyal disciple of his. He had a great esteem for Dr. Poynter, whose influence consequently rose. For a like reason the influence of Dr. Milner declined. But unfortunately Cardinal Fontana's health, which was never

strong, was rapidly breaking. He had a long illness at the Basilian Monastery at Grotta Ferrata in the autumn, during which time Cardinal Litta had to resume his work temporarily; and he was still acting as Prefect of Propaganda when a dispute between Bishop Gibson and the Jesuits about the mission at Wigan came up for settlement. This dispute caused ill-feeling at the time and for long afterwards, and a short account of it is necessary.

The town of Wigan was then, as now, one of the most Catholic in England. There was a single mission there, which had long been under the care of the Jesuit Fathers, and after the suppression of the Society it had been administered by ex-Jesuits, or by priests from Liége or Stonyhurst. The congregation numbered over 1,400 communicants—in those days a large number for one mission. The existing chapel had been standing some thirty years, and the accommodation it provided was rapidly becoming insufficient. It was first proposed to enlarge it; but of this Dr. Gibson did not approve, and as there was some delay, a new mission was established under secular priests, and plans were drawn out for a new chapel, not more than three hundred yards away from the existing one. This prospect stimulated the Fathers and they too began to build a new chapel. The foundation stones of the rival institutions were in fact laid within a few weeks of one another.

Very soon the rivalry developed into something worse. The Rev. Richard Thompson, the Vicar General of the Northern District, was the chief instigator on behalf of the seculars, and he was a man of rough manners, who did not mince his words. He was himself prejudiced against the Jesuits, and used some most regrettable language about them, which they in turn answered. Pamphlets were published on both sides.[1] The quarrel spread among the laymen of the congregation. The majority were attached to the Fathers; but an influential minority—amounting, it was claimed to one-third—gave their support to Mr. Thompson. Hard words

[1] *The Case Stated of the Wigan Chapels*, by Rev. R. Thompson; *The Case Is Altered*, by Rev. C. Plowden; *Re-statement of the Case* (published anonymously, but now known to have been written by Lingard); *A True Statement of Facts*, by Rev. J. Hughes, etc., etc.

were used on both sides. The vicar declared that the Fathers were opposing the bishop, that though they professed to be Jesuits they were not so, as the Society had not been restored, so that their vows were nugatory; that neither Jesuits nor any one else had the right to build a chapel without the approval of the bishop, and as the bishop did not approve, he said that the Jesuit Chapel would be put under an interdict. Father Plowden in return accused the vicar of coveting Jesuit property, and using ecclesiastical censures to forward his plans; and pointed out that whatever restrictions were laid down in Canon Law limiting the rights of regulars to open chapels, such laws had no relation to a missionary country such as England then was. Father Plowden also wrote to Bishop Gibson, protesting in spirited language. At this the vicar general appealed to Rome. Father Plowden put in his answer, but felt bound to apologise for the warmth of his style in his letter to the bishop. Much heated language appears to have been used by the unofficial supporters of both parties in Rome, as in England, and Dr. Gradwell wrote to Bishop Gibson begging him to write and refute the various charges which were being made against him. The aged bishop, however, could not be roused to action, and left the appeal to take its course; and on November 21, 1818, Cardinal Litta as acting Prefect of Propaganda wrote him a formal letter requiring him not to impede the Stonyhurst Fathers from building their church, as they equally were not to oppose the Episcopal Church.

Long before that letter reached England, however, and indeed a month before it was written, the matter had been happily settled on exactly the same lines. Bishop Milner passed through Wigan early in October, on his way home from Stonyhurst, and he called upon Mr. Thompson, who lived at Weldbank, near Chorley. He does not, however, seem to have made much impression on the vicar. He next tried a letter to Dr. Gibson, which he said that he wrote with the full sense of responsibility.[1] He said: "There is a most heavy complaint against your Lordship and your Vicar and the Secular Clergy and the Vicars Apostolic in general, that when one-third part of the congregation and the people of God are perishing for

[1] See Appendix K.

want of spiritual food, we the secular Vicars Apostolic conspire to deprive them of it". He declared that Cardinal Litta had written to him saying that the Jesuits were restored in England, and he added that Dr. Gibson's declaration to the contrary had "caused great indignation at Rome".

This latter statement can hardly have affected Bishop Gibson's views substantially; for he knew that Cardinal Litta had written to him by the Pope's orders in the exact opposite sense. When, however, the Catholics of Wigan sent a deputation to him at Ushaw—it is said at Milner's suggestion—he made no difficulty about giving leave for the rebuilding of the old chapel; but he decided that the second chapel should also be continued, and he reserved the right to nominate the chaplain for both. Thus it came about that to this day can be seen two churches close to one another, one in the hands of the Jesuits, the other of seculars. The clergy are now on cordial terms with one another; but the tradition of rivalry has never quite died out among the congregation.

The object of Bishop Milner's visit to Stonyhurst, however, concerned another unfortunate dispute which led to large consequences, the outline of which must now be given. The priest at Oxford having died, as the mission had belonged to the Jesuits, Milner applied to Rev. Charles Plowden for a successor there. Father Plowden proposed to send one Father Newsham; but he belonged to the Northern District, so that it became necessary to obtain permission from Bishop Gibson, to whom he accordingly wrote in September. The request was hardly more than a matter of form, and under ordinary circumstances Dr. Gibson would in all probability have raised no objection. But unfortunately the relations between them were then strained. The vicar general, Rev. R. Thompson, had written in Bishop Gibson's name on July 8, 1818, somewhat bluntly, informing Father Plowden of Litta's letter revoking his previous one, and saying that the Society had not been re-established in England. To this letter Father Plowden sent no reply; and now in his turn, Bishop Gibson delayed answering, awaiting further developments.

It is probable that Bishop Gibson's delay was in part at least due to his physical condition. He had long ceased to offer Mass, or even to say his office; he could not move from

his chair without the assistance of two men and he had to be fed like a child. He was hardly able even to sign his name; when he did so, his signature was quite illegible. Yet like many men of advanced age, he was loath to part with any of the authority which he had been in the habit of exercising. This often placed his coadjutor in a difficult position. The latter wrote to Dr. Gradwell soon after this, explaining the difficulty of his situation:—[1]

"You are not unacquainted with good Bishop Gibson. The purity of his faith, the generosity of his heart, his zeal and enlarged views for the support of our holy Religion, his hatred of novelties and attachment to the Holy See will I believe be universally acknowledged; and I can add that in cases which at the time raised an outcry against him I have not unfrequently had afterwards occasion to see clearly and admire the solidity of his judgment. However, with all these good qualities it cannot be expected that he should be proof against the infirmities of old age, which whilst it impairs the faculties and destroys the powers of action, is apt to bring on or increase a certain positiveness or obstinacy of opinion, a tenacity of power and a jealousy or distrust of those who ought naturally to enjoy their confidence. This unfortunately has been the case with his Lordship for some time back, but particularly since an illness which he had this winter. Poor man, he can neither do himself nor be persuaded that others can or ought to do for him."

As time passed away, and Oxford continued without a chaplain, Milner went to Stonyhurst in order to discuss what had better be done. As Stonyhurst was in another bishop's vicariate and the question to be discussed turned on the relation between the bishop of that vicariate and the Stonyhurst Fathers, Milner laid himself open to adverse criticism; and in fact Bishop Smith resented his action on that ground. As a result of his visit, Milner wrote a letter to Propaganda offering on behalf of the Fathers that they would give up all claim to be publicly considered as Jesuits, if in return Propaganda would grant faculties to the rector to present his subjects for Ordination to any bishop in England or Ireland who might be willing to ordain them, and to appoint them to any of the

[1] *Westminster Archives.*

former Jesuit missions, without regard to what district they had been born in. This letter seems to have impressed Propaganda favourably, as it had the appearance of a compromise, and held out hopes of a peaceful solution of the whole difficulty: how delusive these hopes were will appear presently.

In order to help forward the application, the Fathers organised a petition to the Pope, to be signed by influential laymen who had been educated at Stonyhurst. It is said that this course was suggested by the petition of the laymen on behalf of Bishop Poynter the previous year.[1] The Stonyhurst petition was dated October 28, 1818, and signed by three peers (Lords Arundell, Clifford and Stourton), seven baronets and thirty-four laymen. In addition to this Charles Butler, who, though not educated at Stonyhurst, had always been friendly to the Fathers, and had signed the petition, also wrote a personal letter to Cardinal Consalvi on behalf of the Fathers.

Milner's application came before the Congregation of Propaganda on December 14. In the continued absence of Cardinal Fontana, and Cardinal Litta being otherwise occupied, Cardinal Somaglia presided on the score of seniority. This was a favourable circumstance for Milner, as Somaglia was a friend of many years' standing, and it will be remembered that he was the only Cardinal who had been actually uncivil to Dr. Poynter during his visit to Rome. The result of the meeting was to grant Milner's request as propounded. A rescript to that effect was made out, dated December 14, 1818, and confirmed by the Pope on the 20th of the same month. In virtue of this rescript it became possible to send a candidate from Stonyhurst for Ordination either to one of the Irish bishops or to Milner himself; in either case he would be ordained *titulo paupertatis;* and, returning to Stonyhurst, he would become subject to Father Plowden, who could send him to any former Jesuit mission, or retain him at Stonyhurst. Wherever he was, he would keep the Jesuit rule. Thus the rescript gave them all the substance of what they wanted, except only the name of Jesuit. They might well therefore congratulate themselves and thank Bishop Milner for having obtained it.

Unfortunately, however, a very similar mistake was made as in the previous case. Cardinal Somaglia tried to keep the

[1] See ii., p. 213.

issue of the rescript a secret. Dr. Gradwell did not hear of its existence till long afterwards; but what is far stranger is that the vicars apostolic whom it affected were not informed: even Dr. Gibson, in whose district Stonyhurst was situated, was left in the dark. Cardinal Somaglia notified it to Milner in a letter dated December 23, 1818; commissioning him not to publish the document, but to deliver it privately to Father Plowden, to be used at his discretion. Again this seems a singular want of judgment. Sooner or later the vicars apostolic were bound to learn of the existence of the rescript, and they would necessarily feel that they had not been dealt with openly. The story of how this occurred, and the strange situations to which it gave rise, must be reserved for a fresh chapter.

CHAPTER XXXVI.

THE QUESTION OF THE ENGLISH JESUITS, CONTINUED.

DURING the spring and summer of the year 1819 the vicars apostolic continued ignorant of the existence of the Somaglian Decree, though it appears to have been known to the British Government.[1] Dr. Gradwell in Rome knew as little of it as the vicars apostolic, and although he was very active at that time, he did not know the full bearing which the steps which he was taking were to have on the general situation.

The causes of his activity were in the first instance personal. He had been accused of serious misstatements. These accusations were widely spoken of in England and at length reached the ears of the Roman authorities. He was still comparatively new in Rome, and therefore looked upon it as of the highest importance that he should justify his character for trustworthiness. Two separate accusations were made, which we can consider successively.

The first accusation concerned the attitude of the British Government towards the Stonyhurst priests. Dr. Gradwell had frequently said that the re-establishment of the Jesuits would give offence to Government; Father Plowden declared that there was no reason to apprehend anything of the kind, and that it was only asserted by the enemies of the Society in order to put obstacles in the way of its re-establishment. It was said that Lord Clifford had seen Lord Sidmouth, the Home Secretary, and that although the Government would not commit themselves to an explicit approbation of the Jesuits, it seemed that they had no positive objection to them. In the petition of the laymen, somewhat similar language had been used:—

"It is then with infinite regret that we hear that obstacles

[1] So Lord Sidmouth afterwards told Dr. Poynter; see Gradwell's printed *Documenta*, p. 25.

are contrived to hinder the happy progress of this favourite house [Stonyhurst], and in part that attempts have been made to persuade your Holiness that the Executive Government of this kingdom is hostile to it. But we venture to assure your Holiness, that the masters and managers of this interesting house are secured and protected by the letter of the standing law, and, as we believe, by the actual dispositions of his Majesty's ministers, equally with all the authorised conductors of Catholic education."

Dr. Gradwell wrote to Bishop Poynter, who determined—it is said at the suggestion of Cardinal Consalvi[1]—to put the matter beyond dispute by a personal appeal to the Government. He accordingly communicated with Lord Sidmouth, begging for an interview. He also drew out a short statement of the case,[2] and wrote a letter, dated March 30, 1819, putting the question in the following words:—

"Whether I can safely answer my agent at Rome by saying that his Majesty's Government has no objection to the establishment of the Society of Jesuits in England."

He delivered his letter and statement in person on the following day, when Lord Sidmouth said that he could not give an immediate answer, as the Government had not given their minds to the question; but that he would consult Lord Liverpool, and other Ministers, and send an answer in writing.

Two days later the following letter arrived:—

"WHITEHALL, 2 *April*, 1819.

"SIR,

"I have to acknowledge with many thanks the receipt of your letter of the 30th of March, together with an enclosure, and I have the honour of acquainting you in reply that the Prince Regent and the British Government feel insuperable objections to the establishment of the Society of the Jesuits in England.

"I have the honour to be, Sir,

"Your most obedient and humble servant,

"SIDMOUTH."

[1] This is a deduction from an allusion in one of Gradwell's letters, and is strengthened by the undoubted fact that immediately after the interview was over, Dr. Poynter wrote an account of it to Consalvi (*Westminster Archives*). And whether Consalvi advised Dr. Poynter or not, it is certain that he made a similar suggestion to Father Grassi, who, however, refused to act on it.

[2] See Appendix K.

This letter seemed decisive, and Dr. Poynter forwarded a copy of it to Cardinal Consalvi. A few months later, Lord Sidmouth wrote him a second letter, dated January 1, 1820, in which he said that a rumour had gone abroad that the objection of the Prince Regent and the Government to the Jesuits was confined to England. He said that no such limitation had been intended, and asserted categorically that their objection extended to the whole of the United Kingdom. He also had asked Dr. Poynter to come to see him, and emphasised the same point.

This whole incident led to some controversy in after years, and Dr. Poynter was accused of having taken too much upon himself in thus entering into communication with the Government without having first obtained any formal commission from the other vicars apostolic. A few remarks may therefore be added. It must be admitted that he acted as though he was the representative of the English Catholic bishops. But this in a sense he was. He had grown into that position partly through being the only bishop resident in London; but partly also by the tacit consent of all the other vicars apostolic both of England and Scotland, with the exception of Milner. They all had confidence in him, and looked up to him as their leader, and the Scotch bishops had given him a formal commission to act for them. And this position was further confirmed by the fact that both Consalvi and Fontana treated with him as though he was the representative of the English bishops. The opposition of Milner was, alas! known to him; but it would probably not have occurred to him to doubt that he was the representative of the others.

The second accusation made against Dr. Gradwell was connected with the petition of the laymen. One distinguished layman, who had been educated partly at Stonyhurst and partly at St. Edmund's College, and whose name had appeared among the signatories, wrote to Dr. Gradwell saying definitely that he had never seen the petition. In two other cases there seemed reason to doubt whether the signatures were the autographs of the persons whose names they bore, though the evidence was less direct. These statements being currently rumoured, some of the more violent of the anti-Jesuits spoke in harsh and unwarrantable language. Some

went so far as to say that some of the signatures were not genuine, and would be repudiated by their supposed authors. These remarks were reported back to Stonyhurst and caused indignation there. Three phrases were reported to have been used. It was said that the petition had been spoken of as "a surreptitious document," as having "forged signatures," and being "the work of a *cabal*". Milner wrote to the *Orthodox Journal* for May, 1819, under the name of "A friend to Stonyhurst," attributing the phrases to Dr. Poynter, and suggesting that some one should request him to state whether he had used them. Acting on this suggestion, Mr. Stephen Tempest, one of the most influential supporters of the Jesuits, wrote the following letter:—[1]

20 Duke Street, Piccadilly,
May 22, 1819.

"Right Rev. Sir,

"About six months ago, an address was sent to Rome in favour of the College of Stonyhurst. I understand that this instrument has been represented as replete with falsehood, obtained by cabal, and subscribed by forged signatures.

"If any statement to that effect may have been made by you, or with your approbation, no doubt you are acquainted with many circumstances connected with that address which are unknown to the Gentlemen whose names were attached to it, and which I shall thank you to explain.

"I have the honour to subscribe myself,

"Your most obedient servant,

"Stephen Tempest."

It cannot but strike us as remarkable that a person in the position of Mr. Tempest, and one who was a very devout Catholic, could write such a letter as this to a bishop, and it illustrates unhappily the heat of party strife among the Catholics of that day. Dr. Poynter did not answer Milner, and when Mr. Tempest's servant brought his master's letter to Castle Street, with instructions to wait for an answer, Dr. Poynter told him to give Mr. Tempest his compliments. Two days later, Mr. Tempest sent his servant a second time, to request

[1] *Westminster Archives.*

an answer to his letter; and Dr. Poynter sent the same message again.

In point of fact, it was Dr. Gradwell who had used all the three phrases. He afterwards accepted undivided responsibility for them, and undertook to prove to Cardinal Fontana the truth of his allegations, if he could be allowed to have access to the petition presented to the Pope, as he said he was well acquainted with the handwriting of the persons in question. To this Fontana agreed, and he applied to Consalvi for the document, which was kept at the office of the Secretariate. When this was produced and examined, it was found that the English petition was accompanied by an Italian translation, and that the whole document, including the names (with the exception of the last four, which had been added in Rome) was in the handwriting of Father Charles Plowden. Hence it evidently was not the original. Moreover, one of the clerks said that the original was written on parchment, whereas this document was on paper; he said it had been presented in addition to the other, on account of the Italian translation, for the convenience of the Holy Father. The parchment petition could not be found at the Secretariate. Consalvi, however, being anxious to clear the matter up, caused a careful search to be made elsewhere, and eventually it was found at the office of the Secretary of Latin letters. On examination, it proved to be, like the other, all in one writing, this time, however, not Father Plowden's. It followed therefore that this also was not the original.

The collation of these two different copies led to remarkable results. Small discrepancies were found, chiefly in the spelling of the names, but in some cases in the names themselves, for several new ones had been added.[1] These discrepancies, however, were not important and did not affect the sense of the petition. But there was one important variation. The copy last discovered contained what Butler calls an "apostyle," or postscript, which was wanting in both the English and the Italian of the other, and it transpired that it had been

[1] The names of Messrs. Thomas Weld of Lulworth, Philip Stourton, Charles Blundell of Ince Blundell, and R. Cox were added, and that of Sir Thomas Haggerston was omitted. As an example of the misspelling in the earlier copy, the name of Mr. Vaughan of Courtfield was spelt "Waughanan".

added after the signatures of the laymen had been obtained. It consisted of a definite petition almost equivalent to the request which Milner had made in his former application. The following was the wording:—

"The Rev. Gentlemen of Stonyhurst, to prevent the total ruin of their College, already declared by Pius VI. of holy memory as a missionary Seminary, and as enjoying the privileges of Pontifical and Episcopal Seminaries, humbly solicit but a privilege common to all such institutions by which their superior be authorised to present for Holy Orders his subjects to any Bishop of the British dominions, and that it may please his Holiness to direct the Congregation of Propaganda to communicate to the Rev. Vicars Apostolic the beneficial dispositions of the Holy See in favour of Stonyhurst."

Butler declares that if he had seen the apostyle, he would never have signed the petition, nor have written as he did to Cardinal Consalvi. It seems that the Fathers themselves regarded the apostyle as a separate petition, for which they alone were responsible, and not the laymen: it is only to be regretted that they did not present it on a separate sheet, so as to prevent its being identified with the laymen's petition.

Further investigations revealed more irregularities in the original petition. With respect to this, we can quote the authority of Charles Butler:—[1]

"The writer," he says—alluding to himself—"believes that he was the first person by whom [the petition] was signed in London. After his signature was obtained, it was signed by Mr. Blake, and then by Mr. Edward Jerningham. Each of these gentlemen made alterations; that made by the latter was so considerable that he mentioned to the writer that if he pleased he might say with exact truth that the Address after the writer had set his name to it was so altered that it could not be justly said that it had been signed by him.

"After the Address had reached Rome, it was again altered, and the writer believes that not one of these subsequent alterations was shown to any of the persons who had previously signed the document. This certainly was the case in respect to the writer, to Mr. Blake, and Mr. Jerningham."

Dr. Gradwell considered that by these discoveries he had

[1] Addition to *Historical Memoirs*, MS., p. 61.

succeeded in discrediting the petition. Mr. Tempest, who was then in Rome, wishing to answer him, had already written to Father Charles Plowden, who sent a new copy taken from the original, which turned out to be in England, together with an Italian translation. The names were not copied into it. At the end Father Plowden added a formal attestation, that "These are faithful copies of the English and Italian presented to the Pope"; nevertheless, the English differed in several places from each of the other copies;[1] while the Italian appears to be an independent translation.

Father Plowden added the following further remarks:—

"Nothing can be more accurate than the assertion, which through the misrepresentation of Sir J. Hippisley, is said to have displeased Lord Castlereagh. Ministers are and always will be disposed to protect inoffensive men who confine themselves within the limits of the law in the exercise of professional duty, and whose conduct in every other respect is peaceable. The subscribers of the Petition had no other view than to caution the Pope against the calumnies of Hippisley and others, who openly violated the rights, statutes and privileges granted by the Holy See to Stonyhurst, without which that Seminary cannot stand. The civil establishment and organisation of the Society of Jesus was not in their contemplation. Not a word in the petition has any relation to it. In the eye of the law every Catholic house of education is equally an association of licensed school-masters. Besides this, each of them by toleration of Government is a nursery for the formation of missionary priests: each has its own spiritual rights, laws, statutes, privileges, government, customs, etc., all derived at different epochs from the Holy See. They enjoyed them quietly on the Continent, they did not mean to forfeit them by taking refuge in England. Whoever is an enemy of one of these establishments is an enemy of all. The distinguished personages who subscribed the petition avow their signatures. Nothing but ignorance or malice could misrepresent them as counterfeited, or obtained by cabal."

The apostyle was of course not there. Mr. Tempest said that it had been added to the Roman copy by Cardinal Somaglia himself, as he said that as the petition stood, it was

[1] See Appendix K.

too vague, and asked for nothing definite. Dr. Gradwell pointed out, however, that Somaglia did not know enough English to have written it himself: we must suppose therefore that Mr. Tempest meant that it had been written at his suggestion. As this was after the petition had reached Rome, it must have been after the signatures had been collected. Most of those who signed it were not conversant with the details of the case. They were willing to petition on behalf of the Stonyhurst Fathers who they understood were meeting with opposition: more than that they did not know. It was probably thought that if this general sense was preserved, the wishes of the signatories would be sufficiently carried out. But there were some—such as Charles Butler or Edward Jerningham—who were following the question closely, and felt that the apostyle should not have been added, nor the other changes made after they had signed the instrument.

There was a curious nemesis in Father Charles Plowden being concerned in these irregularities in view of the strong language which he and Milner had used a quarter of a century earlier when they maintained that the Protestation deposited in the British Museum was a copy made by Charles Butler, with some verbal inaccuracies, though these admittedly left the sense unchanged. They freely spoke of it as "the forged Instrument," "the false document," and the like. Charles Butler could not fail now to see his opportunity. "He cannot but recollect,"—he writes of himself, in the third person—"a remark of Mr. Charles Plowden in his ferocious reply to Mr. Joseph Berington, page 44, 'If there be but a comma changed, it is a false copy, and every man may tear his name from it'."

Looking back after the lapse of nearly a century, when the heat of the contest has long given place to the cordial relations between the secular and regular clergy which exist to-day, we shall not find many to sympathise with Dr. Gradwell's bitter accusation. He was not able to put it to the test, as he never saw the original signatures. Nor are we inclined to doubt Father Plowden's general statement that those who signed were ready to avow their act. But we may at least be permitted to regret that greater strictness was not observed, and that serious irregularities were permitted which gave an unfortunate handle to those who were on the look-out for anything

that might help their cause and injure that of the Stonyhurst Fathers.

Towards the end of August, the storm began to gather in England. Incidentally, almost by accident, Bishop Smith learnt of the existence of the "Somaglian Decree," as it became called, for he heard of a young priest being sent on one of their missions who was a native of the North, and to whom he knew he had not sent any dimissorial letters. He went to Stonyhurst, and there Father Plowden showed him the actual rescript. He communicated with the other vicars apostolic, who all took a serious view of the effects which would follow from the decree, if it was upheld,—effects which it was evident that those who had so lightly agreed to the issue of it, had not realised or understood. Only a few months before, on the revocation of the previous decree, a promise had been sent to Dr. Poynter that no such document should in future be issued without first communicating with the bishops on the spot, who would be able to estimate its actual bearing; and now for a second time, without any such consultation, a like decree had been issued, the results of which were seen to be very far-reaching.

We can begin by quoting Dr. Poynter's remarks on it. Writing to Dr. Kirk on September 27, he called attention to the fact that the privileges granted were not confined to Jesuits, but that any priest educated at Stonyhurst would be able to claim them. The following are his words:—[1]

"This decree which has been obtained for Mr. Plowden is in my opinion the most ruinous measure, and the most destructive of right order and peace in our missions of any that has been thought of. If the Order had been openly established in England, according to the *Regulæ* given by Benedict XIV., the Provincial would only have had jurisdiction over his own Religious as defined in the constitution *Apostolicum Ministerium*. But by this decree the President of Stonyhurst exercises the same jurisdiction over all the secular clergy whom he may educate and get ordained to any number he pleases. Thus this portion of secular clergy is withdrawn from the jurisdiction and control of the Bishops as much as Religious are. A division of secular clergy in England is established, with a marked

[1] *Westminster Archives.*

independence in one part of the Bishops, and a marked pre-eminence given to that Pontifical seminary; whilst the poor episcopal seminarists will be considered of a lower caste."

Very probably Bishop Poynter had in his mind amongst others the Rev. Peter Gandolphy, whose case was still pending, and who would have participated in all the privileges granted by the Somaglian decree, although a secular priest. In another letter he expresses his apprehension that if this decree stands, other religious houses—as, for example, Ampleforth or Downside—will petition for similar privileges; with results which it is not necessary even to point out.

Bishop Smith called further attention to the broad wording of the decree. The Rector of Stonyhurst was to have the right to appoint chaplains to any mission where the lay patron was willing to concede to him that right. Considering the large influence which the "Stonyhurst Gentlemen" had over those in the upper classes, this would be equivalent, he said, to giving them the right to appoint Stonyhurst priests to the great majority of missions supported by the old Catholic families, leaving to the bishop the responsibility of all the missions in towns or elsewhere, which had no regular means of support. And at any time they could withdraw their chaplains from the missions to which they had been appointed by the consent of the lay patrons, and leave to the bishops the onus of supplying their places. Nor did he consider it any answer to say that Father Plowden and his colleagues were not in fact aiming at power, and that they had no intention of using their privileges to the prejudice of the secular clergy; for if the power were permanently conceded, there could be no guarantee as to the limitation of its future use.

But in reality, the decree raised the whole question of "patronage" as exercised in England. In penal times, through stress of circumstances, the laymen who supported the missions practically had the appointment of the missionaries, who were often their private chaplains. It would rest with them whether to appoint a regular of any particular order, or a secular priest: and in point of fact there was usually a tradition in any particular mission or chaplaincy that a Benedictine, or a Jesuit, or a secular priest, etc., should be appointed. But this was gradually changing, and a number of new missions had been founded

in towns or elsewhere which were the property of some religious order, or else for which the vicar apostolic was responsible. In the majority of such cases, there was an endowment paid by some lay patron, without which the mission could not be kept up: it was only in a few of the populous towns that a chapel could be "supported by public subscription," as it was termed. Now the custom still survived that the lay patron should nominate the incumbent to any mission which he endowed, and the vicars apostolic did not at first resist this custom; but they considered that as in the last resort they were responsible for providing a pastor, the appointment really belonged to them, and they only allowed the lay patrons to exercise it by courtesy, in consideration of the benefactions given by them. As time went on, and the penal laws became a matter of the past, the vicars apostolic began to assume the normal position of bishops in their dioceses, and to take a greater share in regulating the appointments of the "chaplains". The Stonyhurst Fathers were opposed to this development, and they spoke of it as an unjust pretension on the part of the vicars apostolic, saying that they were claiming that to which they had no right. At the present day it has become so firmly established a custom for the bishop to nominate that no one would think of regarding it as anything else than the obvious and natural discipline. The heads of the various religious orders similarly nominate to their own missions. The independent mission, supported on its own resources, has become the rule, the endowed mission the exception; but neither the bishop nor the head of a religious order would now think it necessary to consult the benefactor of a mission before appointing the priest, except in the case in which he resides in the house or acts as chaplain to the family. In 1795, Bishop Douglass complained that Lord Petre had nominated a priest to serve the mission at Thorndon, including the family chaplaincy, without consulting the bishop; in 1894, his descendant, the fourteenth Lord Petre, complained that Cardinal Vaughan had appointed a priest to the same mission and chaplaincy without consulting him (Lord Petre). This is indeed an extreme case; but the change is general. It has come about without any legislation, by the simple growth of the Catholic body, and it is this change which would have been incidentally

impeded by the Somaglian Decree; for it would have practically confirmed and perpetuated the *jus patronatus* exercised by the lay patrons of the various missions, and would have permanently limited the authority of the bishops.

As soon as Father Plowden learnt that all the vicars apostolic had been made aware of the existence of the decree, he wrote a long explanatory memorial, which he copied with his own hand, and sent to each of them. It ran to sixteen very closely written pages, and contained a complete statement, from his point of view, of the claims of Stonyhurst. The word Jesuit does not occur until the last two pages, when Father Plowden explains that it was not necessary to allude to it for the purpose he had in view; but he does then give a short protest against the view taken by the bishops as to the restoration of the Society.

None of the vicars apostolic sent any answer to this memorial; but they at once set to work among themselves to discuss the situation created by the Somaglian Decree. Bishop Smith summoned Lingard to Durham, to consult with himself and Dr. Gibson. On his return, Lingard wrote admitting the impossibility of affairs remaining as they were, but advocating a compromise of some sort.[1] A little later, Dr. Poynter took action. He drew out a long letter to the Pope, placing the whole case before his Holiness. He pointed out that the Somaglian Decree was incompatible with the *Regulæ Missionis* of Benedict XIV., and declared that it would introduce complete confusion into the government of the "Districts". Nor did he fail to point out the manner in which the decree had been obtained: not only the vicars apostolic had not been consulted, but they had been sedulously kept as long as possible from even knowing of the existence of the decree. The letter was dated from Durham, on October 30, 1819, and was eventually signed by all the vicars apostolic of England and Scotland, with two exceptions. These were Dr. Milner, who was of course on the opposite side, and Dr. Collingridge. In view of the fact that the latter was the only regular among their number, it is worth while to give his reasons for refusing to sign. These were partly that he was not given sufficient time to think the matter over—for it

[1] See his letter, which is given in Appendix K.

was considered urgent that the document should be sent to Rome without delay—and partly that it included statements as to the objection of Government to the Jesuits, as well as some facts connected with the mission, of which he had no independent knowledge. He therefore took his time, and wrote a separate letter of his own. Although differently expressed, however, his views were found to be no less strong than those of his colleagues. As a regular he said he felt special respect and reverence for the society, but he felt bound to express his opinion that for the cause of Emancipation and for the peace of religion in England, it was inadvisable to restore it there at the present time.

Dr. Poynter had further apprehensions, which seem to have occurred to him with special force after his second interview with Lord Sidmouth, on January 5, 1820. We can give his fears in his own words. In a letter to Bishop Collingridge, dated January 20, he writes as follows:[1]—

"I am not without some apprehensions that the Pope may have by some grant established the Jesuits in England with respect to the validity of their vows, and as to all spiritual and canonical effects, though he does not say that they are established civilly and temporally. If that be the case, I tremble for the effect of such a distinction, whilst Rome has declared that the Society is established in those countries in which the civil power consents to receive or recall them. Our Government and the people in England will call such a distinction a deception, an equivocation, a cloak for a mental reservation and a proof of the *mala fides* of Rome with heretics. I have strongly stated this to Dr. Gradwell, and am pleased to see how well your Lordship has expressed the same in your letter to Fontana."

It will be seen from this how little either Dr. Poynter or Dr. Collingridge knew of any definite permission which the Stonyhurst Fathers claimed to have from the Pope to consider themselves *in foro interno*—that is, in conscience—as Jesuits; and the objection they felt was simply political. They considered that the double status if known would be misunderstood by outsiders, and would be a bar to Catholic Emancipation; and they looked upon Catholic Emancipation as of more

[1] *Clifton Archives.*

immediate importance for the welfare of the Church in England than the restoration of the Jesuits.

Before any of these letters reached Rome, Dr. Gradwell—who had of course been fully instructed in the progress of events—had an audience of the Pope, and put the whole case before him, with great effect, telling him that the formal remonstrance of the bishops was on its way. The Pope declared that Cardinal Somaglia was superannuated and in his second childhood ;[1] and then repeated what he had said in the past :—

"I have always said that the Jesuits are re-established in those countries where the Government chooses to have them—not otherwise : and that if the priests at Stonyhurst choose within their own doors to dress like Jesuits, or in their own doors to live as Jesuits, who can hinder them? But out of the house at least they are to dress like other priests and to be subject to the Bishops in all things."

Shortly afterwards the joint letter of the bishops arrived, together with one also from Bishop Smith, in whose district Stonyhurst was situated ; and a week or two later came that of Dr. Collingridge.

The whole matter was now carefully gone into by the Holy See in all its bearings. This necessarily involved delay, and people in England became impatient. When the decision at length came, in a Papal brief dated April 18, 1820, it was found to be in favour of the vicars apostolic. The Somaglian Decree was reversed, as "surreptitious"—that is, that it had been issued without the knowledge of those who were concerned by it, in this case the vicars apostolic—and all the privileges conferred on the Rector of Stonyhurst were recalled. It was moreover definitely promised that no such legislation should be issued in future without previous consultation with the vicars apostolic. The brief was signed by the Pope, and countersigned, not by the Prefect of Propaganda, but by Cardinal Consalvi, who at the same time wrote to Dr. Poynter, authorising him to communicate the decision to Lord Sidmouth, and to assure his Majesty's Government that as the restoration of the Society in any country had been declared conditional upon the Government of that country calling for it, and as his

[1] "Rimbambito" : see Gradwell's letter of December 9, 1819 (*Westminster Archives*).

Majesty's Government had on the contrary expressed strong objections to its restoration in England, it had not been restored.[1]

Eleven days after this, Cardinal Fontana sent an official letter to Father Charles Plowden, and another to Bishop Milner. In both cases he left them unsealed, and sent them to Bishop Poynter, with a request that he would read them and then forward them to their respective destinations. The letter to Charles Plowden consisted of a short announcement of the recent brief, and an exhortation to him to receive it with all loyalty. The letter to Milner was longer. The concluding paragraph was similar to the letter to Charles Plowden, and informed him of the revocation of the Somaglian decree; but it was preceded by a long and severe rebuke with respect to Milner's writings in the *Orthodox Journal*, to which we have alluded in a former chapter, and a threat if he wrote again to withdraw his faculties and remove him from his position as vicar apostolic.

It can easily be seen that the reversal of the Somaglian Decree left the Stonyhurst Fathers in a difficult position. They still refused to admit that the Society was not restored in England. The name "Jesuit" had not been mentioned either in the decree itself or in the brief revoking it; and although Cardinal Consalvi had notified in the plainest language to Dr. Poynter—and through him to the English Government—that it had not been and would not be restored, the Stonyhurst Fathers contended that this was a "political letter," and, moreover, it was not addressed to them. But a practical difficulty lay before them, that they could not henceforth obtain Ordination for their students. They had long refused to present them *titulo missionis;* henceforth if they adhered to that determination—which in fact they did—they could not present them at all. The only means of recruiting their numbers was to be found by sending them to reside in some country such as Ireland, where the Bishops recognised the Jesuits, sufficiently long for them to acquire a domicile; or to Rome, where ordination can be obtained without recurrence to the local Ordinary.

Father Plowden went to London, and put his difficulties before Bishop Poynter. An interview took place at Castle Street, in presence of Mr. Bramston on July 1, 1820. Father

[1] For the full text of these documents, see Appendix K.

Plowden represented that the reversal of the decree had caused great unrest at Stonyhurst; some had already given up their vocation; others would probably follow, and it meant eventual ruin to the College. He seems to have hoped that in view of the considerations he put forward, Dr. Poynter would relent; but he complains that though the Bishop received him kindly, on the main question he was "immovable". It is indeed difficult to see what other line Dr. Poynter could possibly have taken. He had received definite and detailed instructions from Cardinal Consalvi as to the wishes of the Holy See, and he had no alternative but to carry them out. It is true that these instructions were in accordance with what in his judgment was advisable; but that was not the ground on which he took his stand, and there is no reason to doubt that if the Holy See had decided simply to restore the Society, he would have accepted the decision, though less willingly, yet with due submission.

There was one last resort left to Father Plowden, and that was an appeal to Rome in person. For this he obtained the opportunity. The death of the Jesuit General, Father Brzowoski, which took place at Polosk on February 5, 1820, necessitated a general congregation for the election of his successor, the date of which was fixed for the following September. For this purpose representatives were sent as usual from the various ecclesiastical provinces of the Society. Father Plowden was nominated to represent England, the other representatives being Father Grassi, and another to be chosen at Rome. The new General, Father Fortis, was elected in October. By a curious fate, the same question which had been raised in England was also discussed by the Jesuits themselves in Rome. It was said that if the Society had not been re-established in England, Father Plowden and his assistants were not qualified to vote, and the election of Father Fortis was not considered as confirmed until the Pope had issued a "sanatio," condoning any irregularities which might have occurred.[1]

Father Plowden was now free to prosecute his appeal; but he was not successful. The Pope answered emphatically "Quod scripsi, scripsi"—"What I have written, I have written".[2]

[1] Butler, p. 51.

[2] So says Dr. Gradwell. Others, however, denied that the Pope used these words, though it is admitted that they represent the substance of his answer.

Indeed, after the careful deliberation with which the decision had been reached, and the solemn way in which it had been promulgated, no other answer was to be expected. In the course of his various audiences, however, the Pope spoke of their life at Stonyhurst and gave Father Plowden to understand that their vows were valid, and that they might continue to live inside the house as Jesuits. Thus their position in England became very similar to that in which it had been after the *vivæ vocis oraculum* of 1803. There was, however, this important difference, that there was now a Jesuit house of studies in Rome, and that any student there could obtain ordination as a Jesuit, *titulo paupertatis*. It was accordingly arranged that all the English students should proceed to Rome for their theological studies. Even this, however, was not a complete solution of the difficulty, for a Jesuit ordained in this manner was liable on his return to England to be refused missionary faculties by the vicars apostolic, or at least to be granted them only on the proviso that they admitted that in England they were secular priests; while the sight of the Stonyhurst Fathers continually acquiescing in what the vicars apostolic (except of course Milner) considered as an evasion of the declared wish of the Holy See was an unfortunate bar to that mutual good understanding which was so much to be desired.

After a stay of nine months in the Eternal City, Father Plowden started homewards on June 4, 1821. He was in his seventy-eighth year, and his health already showed signs of breaking. The anxiety of the last year told upon his weakened constitution, and he died on the way home. In his last letter to Father Grassi, dated from Florence on June 6, he wrote, "Father General forbids me to despair; I must obey, but I carry back a head and heart almost equally broken. My time is now exceedingly shortened. If God gives me strength, I hope to be at Stonyhurst about the end of this month. . . . To save [the English province] I willingly offer myself a victim; but, alas! that victim has nothing worth acceptance."

Exactly a week after writing this letter, Father Plowden died with great suddenness, at a village called Jougné, on the frontier of France and Switzerland. He arrived there in the evening of June 12, and rising on the following morning

apparently in his usual health, sent his servant to order the carriage for him to continue his journey; on his return, the servant found him sitting in his chair, dead. By a curious misunderstanding, due apparently to the imperfect French of the servant, he was taken for a retired officer, and given a military funeral. His death removed the strongest member of the Stonyhurst community, and one to whom the Society will ever feel indebted. His failings, such as his extreme opinions, and his habitual asperity of language, were less of a fault a century ago, when every one was a partisan, than they would be to-day; and his greatest enemies could not but admire his singleness of purpose and the zeal with which he pursued the ends which in his judgment were for the good of religion.

On the second day of the same month had taken place also the death of Bishop Gibson at the advanced age of eighty-four. Thus the two protagonists in the strife were removed from the scene almost together. Considering his age and infirmities, Bishop Gibson's death must have been in many respects a relief. But it removed from the scene one to whom English Catholics owed great obligations. He had almost outlived his generation, for he had been President of Douay for ten years before the Revolution, and Douay College itself had already been gone more than a quarter of a century. Bishop Gibson had fought side by side with Bishop Douglass during the troubles of the 1791 Relief Act, and had always been the champion of orthodoxy. But the work of his life had been the receiving of the refugees from Douay in the north, and the establishment of the college at Crook Hall and then at Ushaw. He lived to see Ushaw a great and flourishing college. The building of the west wing, completing the quadrangle, was finished two years before he died. Fitly were his remains laid to rest in the cemetery of his own college, on Wednesday, June 6, 1821.

CHAPTER XXXVII.

PLUNKETT'S BILL AND THE OATH OF SUPREMACY.

It is a well-known fact that there has always existed a small party among the English Catholics who contended that the Oath of Supremacy, originally devised in the reign of Henry VIII. in order to assert his claim to be the head of the Church in England, had been misinterpreted by Catholics, and that if it was rightly understood, it was not inconsistent with Catholic principles. About the period we are now concerned with, this had been maintained—as we have already seen—by Rev. Joseph Berington among the clergy, and Sir John Throckmorton among the laity; but they had only a very small following, and it would probably have surprised these extremists to know that anything approaching to this position would ever be maintained by those responsible for the government of the Church in England. Sir John Throckmorton did not live to see this—he died in 1819—but Rev. Joseph Berington was still alive and well when it became a question of practical politics.

This unexpected developement took place when the Right Hon. William Plunkett, who had practically succeeded Grattan as the spokesman of Catholics, brought in a bill for a removal of all their disabilities, on condition of their taking the Oath of Supremacy in a certain restricted sense, and the bishops seemed inclined to sanction the acceptance of the condition.

There was, however, this important difference between the attitude of those bishops who were on that side and that of the extremists, that they recognised that the oath required a forced interpretation to render it in any way capable of being taken by Catholics, and it was not until Government had issued an official explanation of the sense in which it was tendered that they would even consider the matter. They thought, however, that this defined the sense in which it would be taken,

and that if that sense was not inconsistent with Catholic principles, and if there was definite good to be obtained by taking it, they could not forbid it. The advantages offered were a final abolition of "the Declaration against Transubstantiation, or the Invocation of the Virgin Mary or any other saint, or the sacrifice of the Mass," and complete civil Emancipation. The question which they had to consider reduced itself to the nature and promulgation of the official explanation of Government which was to make clear, not only to Catholics but also to the public generally, the sense in which the oath was to be taken. In order to understand the position, we must give some account of the proceedings in Parliament and the negotiations with Government which led to the raising of the question.

We begin our account with the opening of the new reign. On February 20, 1820, the Catholic Board drew up a loyal address to the new King, and a little later they further drew up a petition for Emancipation. This was signed by all the vicars apostolic except Milner. He objected to one clause, which was in fact the foreshadowing of the question of the oath which was to come into prominence in the following year. The clause in the petition ran as follows:—

"To your Majesty they (the petitioners) swear full and undivided allegiance: in your Majesty alone they recognise the power of the civil sword within this realm of England. They acknowledge in no foreign prince, prelate, state or potentate any power or authority to use the same within the said realm, in any matter or cause whatever, whether civil, spiritual or ecclesiastical."

Milner considered that a Catholic could never swear "full and undivided allegiance" to any temporal sovereign, as there might always be occasions when the authority of the State might be at variance with that of the Church—as, for example, if the State recognises divorce, which the Church could never do. He also objected to the last part of the clause. The expression "Civil Sword" was taken from the "Thirty-nine Articles,"[1] and he looked upon the sentence as a denial of some part of the Pope's spiritual jurisdiction. The other vicars apostolic, on the other hand, claimed that the term "full and undivided allegiance" was to be taken in its ordinarily

[1] Article XXXVII.

accepted sense, as referring only to civil allegiance, and that no one would expect a Catholic, in virtue of such declaration, to surrender principles to which they were known to be pledged: while the last part of the clause was not (they said) a denial of any part of the Pope's spiritual jurisdiction, but only of his right to enforce it by temporal weapons. The petition was presented to the King at the levée on June 7, 1820.

The whole question of Catholic Emancipation, however, had to be put aside for the remainder of that year, in consequence of the events connected with the trial of the unfortunate Queen Caroline, which lasted from August to November. To Catholics the whole history appealed with additional pathos, in view of the treatment which Mrs. Fitzherbert, one of their own body, had received from the King. In their opinion, she was his true wife, and his marriage with the Queen had been invalid from the beginning. Queen Caroline had indeed herself been in good faith, having known nothing about any previous wife: and even though she was not free from fault, the friends of Mrs. Fitzherbert rather pitied than blamed her for the position in which she found herself. It was not till after the trial had come to an end by the withdrawal of the bill, that Catholics felt free once more to urge their claims on the attention of Parliament.

In the closing months of the year, therefore, the Catholic Board once more drew up a petition, the presentation of which they entrusted to Lord Nugent. It was signed by seven bishops, seven peers, fourteen baronets, and over 8,000 of the laity. Lord Nugent presented it to the House of Commons on February 28, 1821. On the same day, Mr. Fitzgibbon presented a petition from the Catholics of Limerick, and Mr. Plunkett presented several from different parts of Ireland. The latter then moved that the House should go into committee to consider the whole case of the Catholics. He began his speech by a tribute to the memory of many statesmen who had befriended the Catholics and had now passed away, mentioning by name Dunning, Pitt, Fox, Burke, Sheridan and Windham. More recently they had lost Sir Samuel Romilly, Mr. Elliott, and the leader of the Opposition, Hon. George Ponsonby. But the greatest loss was that of him in whose place he now stood—alluding of course to Grattan. He then sketched out

his own plan of dealing with the whole question, in the event of the committee authorising him so to do, which was to make such an alteration in the Oath of Supremacy that Catholics might be able to take it; while at the same time he promised adequate securities that the Established Church might not suffer. Peel spoke on the other side; while Sir James Mackintosh, Lord Castlereagh and others supported the motion. When the House divided, the numbers were almost evenly balanced: Mr. Plunkett secured a majority of 6—227 to 221.

Small as this majority was, it enabled Mr. Plunkett to go forward. On March 2 the House went into committee, when he brought forward a series of resolutions, which he proposed to incorporate in his bill. The resolutions were agreed to *pro forma*, on the understanding that the opposition should be reserved until after the introduction of the bill. Leave was given for its introduction, the date of the first reading being fixed for March 7. A committee was formed to draft the bill, consisting of Mr. Plunkett, Lord Castlereagh, Sir John Newport, Lord Milton, Sir Henry Parnell, Sir James Mackintosh, Dr. Phillimore, Mr. Charles Wynn, Mr. Charles Grant and Mr. Tierney. They had no correspondence or communication with any of the bishops, either Irish or English; but a certain amount of informal communication seems to have passed between them and the members of the Catholic Board. The result was two bills which we must now proceed to describe.

The first was a bill for civil Emancipation, enabling Catholics to sit and vote in Parliament, and to reach the higher walks of the professions, on condition that they would take the Oath of Supremacy in accordance with certain explanations of its meaning. In the preamble of the bill it was stated that Catholics had hitherto refused to take it under the mistaken belief that it involved a repudiation of the authority of the Pope in religious matters; this was declared not to have been intended. "Such disclaimer," it was said, "was originally meant only to extend to any such acknowledgment of foreign jurisdiction, power, superiority, pre-eminence or authority as is or could be incompatible with the civil duty and allegiance which is due to his Majesty, his heirs and successors, from all his subjects; or with the civil duty and obedience which is due to his courts, civil and ecclesiastical, in all matters concerning the legal rights

of his subjects or any of them." With a view to making this clear in future, it was proposed to embody an official explanation to that effect.

In order to estimate the meaning and value of this, it will be well to give the text of oath and explanation. The Oath of Supremacy in the form in which it then existed dated from the first year of the reign of George II. It ran as follows:—

OATH OF SUPREMACY.

"I, A.B., do swear that I do from my heart detest and abjure as impious and heretical that damnable doctrine and position, that Princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever; and I do declare that no foreign prince, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within this realm."

EXPLANATION INCORPORATED IN THE BILL.

"Nothing contained in the said Oath of Supremacy shall be understood to express or imply further or otherwise than that the persons taking the same do thereby unreservedly and unequivocally profess and declare in the presence of Almighty God, that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, supremacy, pre-eminence or authority, temporal, ecclesiastical or spiritual, within this realm that in any manner, or for any purpose, conflicts or interferes with the duty of full and undivided allegiance which by the laws of this realm is due to his Majesty, his Heirs and successors, from all his subjects, or with the legal rights of his Majesty's subjects or any of them."

The second bill contained the "securities" by which Emancipation was to be accompanied. It bore a close resemblance to the Canning and Castlereagh clauses in the bill of 1813. There were to be as before two Commissions—one for Ireland, the other for England—to certify as to the loyalty of those nominated to the office of bishop or dean, and to examine all communications from Rome, except such as "relate wholly and exclusively to the spiritual concerns of an individual or individuals". The constitution of the Commissions was, however,

to be more favourable than in the bill of 1813. There was to be on each Commission one chief Secretary of State, and other Privy Councillors at his Majesty's pleasure; all the other members were to be Catholic bishops, exercising functions in Ireland or England respectively.[1] If the Commission reported adversely on any candidate for the episcopacy, for reasons of a civil nature, the King was to be free to exercise his veto on the appointment.

The nature of the two bills was learnt by Dr. Poynter for the first time on Sunday, March 4, at a dinner at which Lord Hutchison, Lord Donoughmore, and Mr. Jerningham were present. He at once declared that the Oath of Supremacy could not be taken by Catholics. This was reported to Mr. Plunkett, who asked Dr. Poynter to meet the Committee the following day, which he did. He brought with him an explanation of the nature of the Pope's spiritual, ecclesiastical, and temporal powers respectively which he had drawn out, in order to explain why Catholics could not take the Oath,[2] for, he explained, these terms were often misunderstood by Protestants. In the conference which followed, he begged that he might not be accepted as pledged to any view until he had been able to consider it afterwards and put it into writing. Mr. Plunkett gave him a copy of the explanatory clause, and on the next day he sent him the bill itself, which had by that time been printed.

Dr. Poynter was now able to consider the oath in conjunction with the explanatory clause with the requisite care. He considered the explanation insufficient as it stood; but suggested a few changes which he thought would meet the necessities of the case. Nevertheless, in order that there should be no doubt or ambiguity as to the sense in which the oath was to be taken, he wished the explanatory clause to be joined with it; failing which, he called for a special enactment that it must be read aloud by every Catholic before taking the oath. He sent these requisitions to Mr. Plunkett the same day. The result was somewhat disquieting. Mr. Plunkett

[1] So it is said clearly in the text of the bill. In the marginal summary there is an allusion in the case of the Irish Commission to "lay Roman Catholic Peers or Commoners (Commoners to be qualified)".

[2] See Butler's *Historical Memoirs*, iv., p. 379.

answered, on Wednesday: "I am happy in not being obliged to interpret your letter as expressing any change on your part of the opinions which we understood to have been expressed at our last meeting". He sent this answer through the Duke of Norfolk, coupling it with a request that any further communications should be conducted through the same channel, and it was understood that Dr. Poynter's changes would not be admitted. The bill was read the first time that evening, without any change. The second reading was fixed for March 16. In order to mark the importance of the debate, Sir George Hill moved that the House should be called over on that day.

As soon as the contents of the two bills became known, Milner found himself in a difficult position. He objected to both the bills. The idea of Catholics taking the Oath of Supremacy, however much modified or explained away, was repugnant to him: while the second bill, with its Veto and *Exequatur*, appeared fatal to the security of the Catholic religion in England, and still more in Ireland. After the admonitions he had received from Rome, he did not dare to take an active part on the spot: he therefore had to content himself with what he was able to do at his own house, without trespassing beyond his province as Vicar Apostolic of the Midland District. This he did with all his old vigour. He issued a handbill in which he put forward the reasons against taking the oath, and against accepting the "Bill of Pains and Penalties" at all. He gave it the curious and somewhat ambitious title of "The Theological Judgment of the Divines of the Midland District on the two Bills pending in Parliament". It was dated March 13, 1821, and signed by Milner himself, Rev. Walter Blount, Archpriest, and Rev. William Benson, Secretary. In addition to this, he had a petition rapidly organised on behalf of the Catholics of Staffordshire and Warwickshire addressed to the House of Commons, begging that the bill might not be passed. This was signed by Milner himself and 910 others, and was presented by Mr. Wilberforce before the second reading debate on March 16. A discussion ensued, in the course of which Mr. Plunkett made a vigorous attack on the conduct of Dr. Milner. He said that there were eight vicars apostolic in England and

Scotland, of whom seven had signed the petition presented by Lord Nugent. The only recalcitrant was Dr. Milner, and he was now trying to wreck the bill as he had succeeded in doing in the case of the last bill in 1813. The other Catholics, he said, repudiated Dr. Milner's action and had removed him from their Board. Sir James Mackintosh also called attention to the number of Catholic families of distinction in Staffordshire and Warwickshire—the Earl of Shrewsbury, Lord Stourton, the Cliffords, Jerninghams, Fitzherberts, Blounts, Smythes, —none of whom had signed the petition. Milner was, however, on the whole satisfied with the impression made by it, but in order to drive this home, he issued another handbill, entitled "A Letter of Thanks from the R. R. Dr. Milner to Wm. Wilberforce, Esq., M.P.," expressing his gratitude to him for presenting the petition, and repeating the arguments against the bill.

After the presentation of the petition, the debate on the second reading of the two bills took place. The motion was made by Mr. Plunkett, in a long and vigorous speech. He called attention to a clause excepting certain offices from the operation of the bill—those of Lord Chancellor, and Lord Lieutenant of Ireland—and said that the position of the Universities of Oxford and Cambridge would be left untouched. With respect to the second bill, he said that the influence of the Pope in the nomination of the Irish bishops was already much limited, for they were nominated in the first instance by the dean and chapter, and only confirmed by the Pope. Hence he had inserted an oath to be taken by all electors, that they would not vote for any one whose loyalty was subject to suspicion. He then explained why he proposed two separate bills, instead of incorporating the security clauses in the Emancipation Bill, as had been done in 1813. He said that if the first bill should be passed in anything like the form in which it was introduced, he would be prepared to consolidate the two bills into one; but in the event of the Emancipation Bill being altered or watered down, he would consider that Catholics were no longer called upon to offer securities, and the second bill would in that case be dropped.

It is worthy of remark that notwithstanding the fact that Mr. Wilberforce had presented the Midland petition, he nevertheless supported the second reading of the two bills, as also

did Sir James Mackintosh, while Peel as usual opposed all kind of concession to Catholics. The latter was followed by Canning, who was now once more outside the Ministry, and used his independent position to make one of his most vigorous speeches in favour of the Catholics. He declared that the occasion for penal laws, if it ever existed, had long passed away. Supposing, he said, a murder was reported to have been committed by a person wearing a wig and spectacles; if it was afterwards ascertained that no murder had been committed, would there be any sense in punishing every man who wore a wig and spectacles? He also accused Protestants of ingratitude. In 1641, he said, a bill was sent up to the Lords to exclude the bishops from that House. All the Catholic peers had voted against the bill, and it was defeated by a small majority: yet, when a few years later, a bill was introduced to exclude Catholic peers, all the bishops voted for their exclusion. He thought that the present moment was singularly opportune for throwing a veil over the past, and admitting Catholics, once for all, to their full rights.

Canning's speech appears to have had considerable effect; yet when the House divided, the numbers were again very close. The division took place on an amendment moved by Mr. Bragge-Bathurst, "that the Bill be read this day six months". The voting was, for the amendment 243; against it 254: majority 11. The bills were then read a second time without a division.

It was probably due to the smallness of the majority by which the second reading was carried that before the next stage was reached the promoters of the bill attended to the protests of the vicars apostolic. On March 19, Mr. Plunkett announced that some important changes were proposed, and he moved that they should be printed so as to be discussed a few days later. When the printed copies were issued it was found that the chief changes concerned the Oath of Supremacy. Dr. Poynter's requisition that the explanatory clause should be incorporated in the oath had been conceded, and the oath itself had been practically re-cast. It afterwards appeared that the new form had been drafted by Mr. Plunkett in consultation with Mr. Edward Blount of Bellamore, near Rugeley, in Staffordshire, younger brother of Sir Walter Blount, and

at this time a leading member of the Catholic Board. In its amended form, Dr. Poynter still did not like it, and would never admit that he "approved" of it; but he thought that it might be taken without violating the Catholic conscience. His opinion was shared by all the English and Scotch vicars apostolic, except Milner, and also by other high authorities, including Dr. Lingard. Dr. Poynter wrote a pastoral to explain and justify his position, and this pastoral was accepted by the other vicars apostolic, and was prepared for publication as soon as the bill should become law.

The Irish bishops did not on this occasion adopt Milner's uncompromising attitude. A meeting of Catholic prelates and of clergy of the Archdiocese of Dublin was held on March 26. Besides Dr. Troy and Dr. Murray, there were present also Dr. Keatinge, Bishop of Ferns, and Dr. Doyle, the well-known Bishop of Kildare, known in accordance with his signature, as "J. K. L."[1] whose influence at this time was rapidly rising. As a result of the meeting, some guarded resolutions were passed. The first of these ran as follows:—[2]

"Resolved, that we have read with unmingled satisfaction a bill now in progress through Parliament, purporting to provide for the removal of the disqualifications under which his Majesty's Roman Catholic subjects now labour, and that we deem it a duty to declare that the Oath of Supremacy as therein modified may be taken by any Roman Catholic without violating in the slightest degree the principles of his religion".

With respect to the clauses in the second bill, limiting the communication of the clergy with Rome, while expressing their full belief in the good intentions of the framers of the bill, they deprecated the provisions, but in mild language. Dr. Doyle himself indeed would have been prepared to accept them. Four years later, when giving evidence before a Parliamentary Commission, he spoke as follows:—

"I know that in 1821, when a bill regulating this matter was introduced into Parliament, some strong objections were

[1] James, Bishop of Kildare and Leighlin.

[2] *Life of Bishop Dogh*, i., p. 167. See also his letter to Dr. Murray, dated March 16, 1821 (*Dublin Archives*). "I would not say that [the Oath] could not be taken in its present shape." Dr. Curtis also wrote in the same sense.

Bishop Doyle

raised to it in Ireland. At that time I had very little experience in those things; however, the opinion which I did entertain then was that the subjection of this correspondence to a board was not a matter to be objected to; because I thought if things were arranged amicably between the Catholics of Ireland and the British Government, that one of the Bishops in Ireland probably, if not a Nuncio sent from Rome, would be placed in Ireland or in London, authorised to transact the routine business which is carried on between the Court of Rome and us; and therefore I thought that this bill would be a dead letter; but if the Government should entertain any jealousy whatever of the correspondence which passes between Rome and us, I for my part, and I can only speak as an individual, might have no objection whatever that all the letters and communications which should pass between the Court of Rome and me should be subjected to the inspection of any ecclesiastics whom the Government might think proper to name."

Some of the Irish bishops, however, took an opposite view. Dr. Kelly of Tuam, for example, considered the bill "infinitely more objectionable than that of 1813". And a part to which they all took grave exception was the provision for a Veto. About this they passed the following resolution:—

"That we have read with the deepest concern the clause which purports to vest in the Crown an unlimited negative in the appointment of our bishops—a power as appears to us equivalent in its effects to a right of positive nomination. We humbly conceive that the assumption of such a right by persons of one religious persuasion to the nomination of the ministers of another has ever been considered by all bodies of Christians as impeding the free exercise of religion and invading the rights of conscience."

They further requested Dr. Troy to make their feelings known to Mr. Plunkett, and beg for the amendment of the bill. Writing to Sir Henry Parnell on March 30, Dr. Doyle commented on the resolutions as follows:—

"You have seen our resolutions," he wrote, "we wished to couch them in conciliatory language, and yet not to disguise our sentiments. In this country they have given pretty general satisfaction; but unhappily in some of the provinces a harsher spirit has prevailed. Dr. Milner is labouring against us in

London, assisted by Mr. Hayes,[1] and if they should find auxiliaries in this country, our cause is not only lost this session, but probably will make no progress for several years to come."

Among those who assumed the "harsher tone" alluded to by Dr. Doyle, the chief was Dr. Coppinger, Bishop of Cloyne, who declared that the oath was wholly unlawful; while in the dioceses of Tuam, Limerick, Cork and elsewhere uncompromising resolutions were passed against the bills.

The difference of opinion which showed itself among the Irish bishops was a source of pain and concern to Milner. Writing to Dr. Murray on April 1, he laments it in his usual forcible language:—[2]

"Alas," he writes, "it is visible now and will be more visible shortly that the Irish Hierarchy, so happily united on every question and in every business of a religious nature during the fifteen years that our controversies have lasted, is now divided into two parties on the essential head of the Oath of Supremacy, and what I feel with peculiar pungency, the high authority of the Archdiocese of Dublin stands in opposition to my previously published decision, as your Grace must have seen in my Letter of Thanks to Mr. Wilberforce, a copy of which I sent to the venerable Dr. Troy. Alas! if my petition and theological judgment were the cause of the alteration of that Oath which took place on the 19th ult., as I believe they were, I have reason to lament my misfortune in giving occasion to one veil of heterodoxy being substituted for another, without the least change in the meaning of the Oath itself, an Oath for refusing which your Archbishops O'Hurley and O'Creagh, and our Fisher and More, with hundreds more victims in each island, suffered a glorious martyrdom."

In his letter to Sir Henry Parnell, Dr. Doyle indicated that it was owing to the signs of disunion among themselves that the Irish took no active steps to make themselves heard; but, he said, should the bills pass the House of Commons, they would hold a meeting to consider their action. When they did meet, they again found that they were not all of the same mind. "We continued our deliberations for four days," Dr. Doyle writes;[3] "but were not able to procure the unanimous

[1] Rev. Richard Hayes, the Franciscan.
[2] *Dublin Archives.* [3] *Life*, i., p. 171.

assent of the meeting to a clause proposed to be inserted in the petition, *i.e.*, offering to the Government to agree to any arrangement which the Legislature might deem necessary to secure the loyalty of the Irish prelates, *provided such an arrangement were sanctioned by the head of our Church.* In these circumstances if the clause were inserted, some prelates would refuse their signatures, protest against the petition, and the consequence would be meetings of the second order of our clergy and of the common people, where all the prejudices and passions of the most violent amongst them would prevail. We preferred then to adopt the petition which you must have seen, and to preserve peace and some degree of unanimity amongst ourselves."

O'Connell was at this time occupied on circuit, and he did not take any active steps with respect to the bills. He had indeed at that time almost given up hope of any Catholic Relief Bill being passed in the near future. In his well-known manifesto at the beginning of that year,[1] he called upon his countrymen to desist in the direct pursuit of Emancipation, and devote themselves to agitating for Reform, for in his opinion it was only to a reformed Parliament that they could look for Emancipation. It was this speech which brought to the front O'Connell's rival and future friend, Richard Lalor Sheil, also a barrister, but whose talents had hitherto been principally expended on the drama, at which he had achieved considerable success. O'Connell's policy did not please the Moderate party among the Catholics, who thought that in those days of Tory ascendancy Reform would be more difficult to obtain than Emancipation. Sheil wrote a "Letter to the Catholics of Ireland," to which O'Connell promptly replied. The feud was at its height while Plunkett's bills were before Parliament, and neither Sheil nor O'Connell took any part in opposing them. O'Connell, however, issued an "Address to the Irish People," dated from Limerick on March 17, 1821, in which he gave his opinion on the two bills as they then stood. The first bill he accepted as "a great, a very great boon"; and gave his opinion—though he admitted it was with some reluctance—that the unamended Oath of Supremacy might be taken, on the strength of the official explanation of its meaning

[1] *Speeches*, ii., p. 91.

put forward by Government. "I know," he said,[1] "that the doctrine of our Church respecting Oaths is that an Oath is to be taken according to the meaning given to the words by the propounder of such Oath. The person who takes the Oath is not at liberty to affix another meaning to those words. He must either refuse to take the Oath, altogether, or bind his conscience according to the intention of the propounder. . . . The only reason why I would think of taking the Oath specified in the new bill is because the legislature which propounds that Oath declares by the same law that it has and ought to have a meaning which I conceive is not inconsistent with the Catholic Religion."

The bills took four days to pass through Committee. Mr. Plunkett was unfortunately called back to Ireland by the death of his wife. In his place Sir John Newport took charge of the bill. On the first day, March 23, before the debate began, a petition was presented on behalf of four Catholic Peers—the Duke of Norfolk, the Earl of Shrewsbury, Lord Petre and Lord Arundell—begging that the bills might pass, and declaring their willingness to take the oath as enacted. A petition from Peers to the House of Commons was an unusual if not an unprecedented step, and could only be defended on the plea that being Catholics they were excluded from their own House. On the bearing of the petition, we shall have to comment presently.

On the House going into Committee, the first clause was opposed, and the debate occupied nearly the whole sitting. It was eventually carried by 230 votes against 216. On the 26th the Committee was continued, when Sir John Newport gave notice that he proposed to consolidate the two bills into one. On proceeding with it, Mr. Bankes proposed a clause similar to that which had wrecked the bill of 1813, excluding Catholics from Parliament. Once more the Speaker —this time the Right Hon. Charles Manners Sutton—following the example of his predecessor Mr. Speaker Abbott, took the unusual course of intervening in the debate, to plead against the admission of Catholics into Parliament. He was answered by Canning, and after several others had spoken, the Committee divided, with the result that there was a majority of

[1] *Speeches*, ii., p. 112.

12—223 to 211—against the restrictive clause. During the next two days, several other divisions took place, with a small majority in each case in favour of the Catholics. The bill was reported to the House on March 29, and the third reading was fixed for April 2.

While the House was in Committee, the Catholic Board was occupied in preparing a petition, designed no doubt to neutralise the effect of Milner's Midland petition. This led to incidents in which the action of the laymen was open to grave exception. All the documents having been preserved by Dr. Poynter, we are able to give an exact account of what took place.

The petition was couched in the following terms:—

"That your petitioners lately presented a petition to your Honourable House thereby praying to be relieved from the operation of those enactments by which your petitioners are debarred from enjoying in common with their fellow-subjects the civil benefits of the Constitution.

"That your petitioners feel the deepest sense of gratitude to your Honourable House for having allowed a bill to be brought in to provide for the removal of the disqualifications under which his Majesty's Roman Catholic subjects now labour.

"That your petitioners declare that to his Majesty they swear full and undivided allegiance; in him alone they recognise the power of the Civil Sword within this realm of England. They acknowledge in no foreign Prince, Prelate, State or Potentate any power or authority to use the same within the said realm in any matter or cause whatever, whether civil, spiritual or ecclesiastical.

"That adhering to their sentiments expressed in the said petition, your petitioners declare that there is nothing in the principles of their Religion incompatible with their taking an oath, and they are ready to take an oath that,

"I, A. B. etc. [here follows the amended Oath from Mr. Plunkett's bill].

"With these sentiments, your petitioners humbly pray your Honourable House to pass the said bill into a law, with a clause which to your Honourable House may seem proper for imposing an Oath to the effect aforesaid."

We have given this petition in full, as a good deal turned on its wording. It will be seen that the clause relating to the Civil Sword was repeated verbatim from the petition of the previous year. No such expression occurs in the accompanying oath, and indeed, as Charles Butler points out, no oath was ever framed containing these words. When Milner therefore speaks—as he often does—of the "Civil Sword Oath," we must suppose that it was due to his confusing the oath with the petition: at any rate, the oath indicated by him was that joined on to the second "Civil Sword" petition.

The members of the Board were anxious that the petition should be signed by Dr. Poynter, and also by Dr. Collingridge, who had come to London; and Mr. Blount wrote to Dr. Poynter to that effect. Before answering him Dr. Poynter called a meeting of his chief clergy, which Dr. Collingridge also attended. The resolution was come to unanimously that it was better not to sign the petition, or to pronounce in any manner at this stage on the lawfulness of the oath, one way or the other. A letter to this effect was written by Dr. Poynter on March 19, and signed by him and Dr. Collingridge.

On the day of the third reading debate—that is, on Monday, April 2,—Dr. Poynter learnt that there was to be a meeting of the Board the following day, in order to vote a resolution thanking the House of Commons for passing the bill, and expressing their readiness to take the oath in its new form. He hesitated what to do, for none of the English vicars apostolic had yet declared themselves in its favour, so that the laymen were taking it upon themselves—as the four peers in their petition had already done—to judge independently of their Ecclesiastical superiors. This seemed to be entering on a course similar to that pursued twenty years earlier, leading to ultimate results which no one could foresee. After careful thought he decided on a line of conduct which can be described in his own words. In a letter to Mr. Edward Jerningham, dated April 5, 1821, he says:—

"From the conversation which I had the honour to have with you on Monday, I distinctly understood that the Board was to meet the following day for the purpose of expressing a readiness to take the new Oath of Supremacy, and of returning thanks for the bill if it should pass the House on Monday night.

In my solicitude to protect the honour of the Catholic noblemen and gentlemen who were to meet, I felt considerable anxiety on both these points. I had received by letter and by word of mouth observations that gave me pain relative to a late expression of a readiness to take that Oath, which had gone forth to the public before it was publicly known that any vicar apostolic had sanctioned it as lawful. Expecting from the conversation we had together that a similar expression of a readiness to take the Oath would be resolved on at the meeting of the Board, and fearing that the Catholic character of those whom I esteem and honour might unwarily be committed, I threw myself with an official approbation of the Oath amongst them, as a life-boat to save them."

Dr. Poynter's decision was conveyed in the following terms:—

"Having no doubt that the Catholic noblemen and gentlemen of England distinctly recollect the positive promise which they made on the 1st of February, 1810, to submit to the judgment of the Vicars Apostolic in all concerns tending to the removal of their civil disabilities which might in any way affect their Holy Religion; and as the Oath and conditions in the bill which passed the House of Commons last night do affect religion, they cannot consistently with that promise and their duty as Catholics express their approbation of such Oaths and conditions until they have the authority of the Ecclesiastical Superior respectively. . . .

"Wherefore to do away with the difficulties of conscience which might and ought to arise in the minds of the Roman Catholics within our Vicariate, we do hereby declare to them that in our judgment they may safely and conscientiously take the Oath of Supremacy to be taken by his Majesty's Roman Catholic subjects as expressed in the bill which passed the House of Commons last night, whenever the same shall be tendered to them."

With respect to the restrictive clauses, however, he spoke clearly and peremptorily:—

"And we further declare that with regard to the conditions and securities mentioned in the bill, and which relate only to ecclesiastics and ecclesiastical affairs, we are possessed of no authority whatsoever to give our approbation or consent to

such conditions and securities, and certainly therefore we can give no authority to the Roman Catholics within our Vicariate to approve of or consent to the same. Hence we require that they will abstain from all language expressive of their approbation of or consent to such conditions and securities, and that they will confine their approbation and consent only to the taking of the same new Oath of Supremacy in relief from their Civil disabilities."

When the Board met, the resolutions which they had prepared, including an unqualified vote of thanks to the Government for the bill, were proposed by the Duke of Norfolk, seconded by Lord Arundell of Wardour, and carried with only two dissentients. At this stage—and not before—Mr. Jerningham produced Bishop Poynter's pronouncement; but apparently the laymen had become so excited by the near approach of Emancipation that they paid little heed to it. The chairman said that having heard what Dr. Poynter said, he would put the original resolutions to the meeting a second time. He did so, and again they were carried with the same two dissentients; after which they passed a vote of thanks to Dr. Poynter, and the proceedings ended.

This treatment was certainly not what Dr. Poynter, as their bishop, had a right to expect; but there was worse to come. Finding that they had committed themselves to thanking the Government for the bill in general, a vote which in the ordinary meaning of the words would have included the whole bill, including the restrictive clauses on the clergy, Dr. Poynter begged of them to modify it so far as in place of their thanks to the House for "the bill it has been pleased to pass," to substitute "for the relief it has been pleased to grant in the Bill," thus omitting the restrictive clauses from the purview of their thanks. Even this, however, they refused to do, pleading that a Resolution passed at a meeting of the Board could only be amended at another meeting; and evidently they were not willing to call another meeting. Mr. Jerningham explained that in their opinion the wording of their Resolution did not carry any approbation of the restrictive clauses, but only imported thanks for relief; an interpretation which Dr. Poynter considered that the public generally would not attach to it.

However, in the event, the matter proved of little importance. In the House of Lords, on the debate for second reading, the Duke of York and Lord Liverpool both spoke strongly against the bill, and the influence of the heir presumptive to the throne, supported by the Prime Minister, proved decisive. After a debate lasting two nights, the bill was thrown out on April 17, by 159 votes against 120, a majority of 39; and long afterwards the pleasantry was current that thirty-nine peers had saved the Thirty-nine Articles.

CHAPTER XXXVIII.

SEQUEL TO PLUNKETT'S BILL.

THE defeat of Plunkett's bill was a disappointment to many, both in England and Ireland. It is probable, however, that all the bishops, even those who had been ready to sanction taking the Oath included in it, were relieved in mind; for the responsibility of recommending to the faithful what was commonly spoken of as the Oath of Supremacy, however modified and explained, would have weighed heavily on them. It was indeed the question of the oath that dominated the whole situation. Many people had come round to the opinion that the restrictions as to the Veto and *Exequatur* were inserted *pro forma*, to satisfy the extreme opponents of Emancipation, and would soon have become a dead letter, if indeed they would not have been so from the beginning; but the taking of the oath would have been the necessary condition before any one could profit by the relief granted; and almost all Catholics viewed this prospect with apprehension.

To Milner the defeat of the bill was the subject of unalloyed satisfaction. He had been unreservedly opposed to both parts of it, and rejoiced that the Catholic body had been delivered from a grievous danger. He did not, however, consider the battle as yet over. There was every reason to believe that a similar bill with like restrictions would be introduced in the following session, and it was important that Catholics should be prepared for this eventuality. With this end in view, he set about trying to persuade those who had been ready to accept the oath in Mr. Plunkett's bill that they had acted wrongly and incurred the displeasure of the Holy See; but he felt that if he could succeed in persuading Catholics to reject the former oath, it became the more necessary to have a constructive policy in readiness as an alternative to propose in place of what they rejected.

In his first aim he was only moderately successful. He wrote in his letters that Cardinal Fontana had objected to the Address to the King which he (Milner) had refused to sign, and likewise to what he always called the "Civil Sword Oath". On examination, however, this turned out to be a misapprehension.[1] The letter of Cardinal Fontana was dated March 24, 1821, and therefore could not refer to the oath which was only issued on the 19th, and would not have been known in Rome until the following month. Nor did it refer to the Address to the King as presented; but to a form which had been proposed but not adopted, about which an inaccurate report had reached the Eternal City.[2]

Later on Milner said frequently that Rome had objected to the "Civil Sword Oath," and on at least one occasion he said that it had been declared to be schismatical.[3] These statements soon reached the ears of Dr. Poynter, who determined to ascertain at first hand what view the Holy See actually took on the matter. He wrote to Dr. Gradwell on April 27, 1821, as follows:—[4]

"I have just seen a letter from Dr. Milner, dated the 14th of this month, in which he says Rome had written to express its surprise that Catholic peers and others should have offered to take the Civil Sword Oath—meaning that inserted in Mr. Plunkett's bill. I scarcely know anything more likely to prejudice our Parliamentary friends, or to irritate (some at least of) our principal Catholic nobility and gentry than this circumstance if it should prove true, especially after the approbation of the Oath by so many prelates in these realms. By their approbation I do not mean their approbation of it as a

[1] See Butler's *Hist. Mem.*, iv., p. 290; *Addition to Hist. Mem. MS.*, p. 134; and various letters of Dr. Gradwell (*Westminster Archives*).

[2] The following is Butler's translation of Cardinal Fontana's letter:—

"The declaration made by several English Catholic noblemen and others in the petition presented to the King, in which they have protested that they acknowledge in no one but himself any power or authority, either civil or spiritual or ecclesiastical, has been heard with surprise and sorrow. If such a declaration should ever be proposed and inserted in the formula of the Oath, your Lordship sees clearly that such an Oath would be manifestly unlawful and schismatical; but there is no need of speaking of it till the same has been actually proposed, and my only object is confidentially to put you on your guard" (Add. to *Hist. Mem.*, p. 136).

[3] *Catholic Miscellany*, April, 1822, p. 175.

[4] *Archives of English College, Rome.*

thing they liked, but their approbation of it so far as to think it lawful for Catholics to take in the actual state of things.

"I have the greatest reason to believe that nothing of the kind was ever intimated by the Roman See, or any Roman authority. It is of great consequence that this should be ascertained."

It was not, however, quite easy to find out definitely what the official opinion of the Holy See was, from their traditional reluctance to pronounce on any subject which did not call for practical decision. The following letter from Dr. Gradwell to Bishop Collingridge, dated May 19, 1821, gives his impressions of the private feeling on the subject among influential men in Rome:—[1]

"Cardinal Consalvi told me that he considered the opinions of the Bishops in England and Ireland as decisive of the lawfulness of the Oath. But the second Oath proposed, about correspondence, was not agreeable. They have shown great sobriety and coolness in Rome on the whole of this question from a persuasion that Dr. Poynter was doing great good by his prudent and able negotiations with the Committee, and from the three positive advantages which resulted from the bill, *viz.* the entrance of the Catholics into Parliament, the abolition of the Oath against Transubstantiation and the virtual recognition of the spiritual authority of the Pope and the Catholic Bishops and clergy by law. These three things overbalanced all the declamations of the ultra-Catholics both in England and Ireland, especially as there was here a persuasion that if the bill should be found to contain any clauses that Rome could not tolerate, it would be easy to remedy that after the bill was passed and the advantages secured. On this account there is a feeling of sorrow and disappointment among personages of the highest distinction here at the failure of the bill; and the ultras among the Catholics themselves are considered as the cause of its being lost."

Four months later, on September 14, Dr. Gradwell wrote more definitely:—[2]

"It was stated some time ago in the Irish and English newspapers that Rome had censured the Oath of Allegiance as proposed in the late Catholic bill. I have the authority of

[1] *Clifton Archives.* [2] *Archives of English College, Rome.*

Cardinal Fontana positively to contradict the assertion and to declare it to be an imposition."

As Milner continued to maintain that Rome had objected to the Oath, and even stated this in his Lenten Pastoral for 1822, Dr. Collingridge wrote to him to ask on what authority he made the statement. Milner on March 18, 1822, sent the following somewhat indefinite answer:—[1]

"Your Lordship requests me to send you a copy of the document from which I gathered that the Holy See judges the first Oath in the late bill, even as amended, objectionable. The document, my Lord, is not in my possession, being contained in a letter from Cardinal Fontana to another person, who read it to me; but as it contained other matter which did not regard me, I did not ask for a copy of it, nor so much as to read it. I will add that I otherwise know that the said Cardinal has highly commended my conduct in the business, and the Pope himself has complained of certain persons who let themselves be drawn in *con rampone* (with a hook) the nature of which he mentioned on the occasion."

Here we will leave the question of the attitude of Rome for the present, while we consider Milner's endeavours to create a constructive alternative proposal. In this he was more successful. He explains his views in a letter to Dr. Murray, dated from London on May 14, 1821—about a month after the failure of the bill:— [2]

"In my letter to Dr. Troy . . . before the meeting of your Prelacy," he writes, "I expressed my earnest wish that your venerable brethren would take the opportunity of framing such an Oath to be in readiness for the next application to Parliament: fearing, however, that this may not have been done, I have drawn up such a formula myself, one that in my opinion expresses more of what is called loyalty than is contained in Mr. Plunkett's Oath, at the same time that it avoids the ambiguity and seeming heterodoxy of it. I have drawn up another Oath to obviate the alleged necessity of the Veto and the Intercourse restrictions, and have accompanied them both with a sketch of Religious as well as Civil Emancipation, such as will be of great advantage for us to obtain, and of no disadvantage to Protestants to grant. A copy of the whole scheme is in

[1] *Clifton Archives.* [2] *Dublin Archives.*

the hands of Lord Donoughmore and his brothers, and I have furnished an outline of it to Lord Liverpool, our Catholic peers and leading men, including the friends of Ch. Butler; but I have signified to them all that it will depend on the approval or disapproval of the Irish Bishops whether it shall or not be actually proposed for adoption on the occasion mentioned. I write together with this to his Grace Dr. Troy, to ask him whether or no he approves of my laying the whole of my plan before the next Maynooth meeting, which I suppose will take place about Midsummer, and such other prelates as it may be possible to communicate it to."

Having received a favourable reply from Dr. Troy, Milner proceeded to take further steps, and himself crossed over to Ireland, in order to see the bishops personally at Maynooth, where the meeting was to be held on June 26. He found the four archbishops assembled, and some—but not all—of their suffragans. His form of oath was—with a few slight changes—provisionally accepted, and it was agreed that it should be printed, so as to send a copy to each of the absent bishops with a view to future discussion.

It would seem that Milner realised that it would be necessary to have the support not only of the Irish bishops, but also of the English and Scotch vicars apostolic, and that therefore his only chance of success lay in re-establishing a good understanding with them, especially with Dr. Poynter, who practically acted as their leader. With respect to the last named, Dr. Curtis, Archbishop of Armagh[1] offered to act as intermediary. The fact that he was more in touch with the British Government than his colleagues, added to the consideration that he had taken no part in the former differences between Dr. Poynter and the Irish Bishops, seemed to mark him out for the work, and he was confident of success.

With respect to the other vicars apostolic, Milner undertook the work himself. Soon after his return to England, he had an interview with Bishop Collingridge at Clifton, after which

[1] Dr. O'Reilly died on January 31, 1818. Dr. Curtis was formerly President of the Irish College at Salamanca, where he had rendered considerable service to the Duke of Wellington during the Peninsular War. According to Dr. Gradwell, it was due to the Duke's influence, communicated to Rome by Lord Castlereagh, that Dr. Curtis was elected Archbishop of Armagh (Dr. Gradwell's letter dated May 5, 1819, *Westminster Archives*).

he set out on a tour in the North of England and Scotland. He visited Bishop Smith at Durham on August 19, and a few days later he saw Bishop Cameron at Edinburgh. Both gave him a friendly reception and discussed the situation freely with him, though Bishop Cameron insisted on his secretary being always present, to prevent any subsequent misrepresentation of what he had said. Having returned by sea to Liverpool, Milner proceeded to Preston, where he attended the meeting of the "Lancashire Brethren,"—that is, the Clergy Society—and after spending a few days at Stonyhurst, returned to Wolverhampton on September 4. Five days later he addressed the following letter to Bishop Poynter:—[1]

"My Lord,

"I herewith forward to your Lordship two forms of Oath which were approved of at the late Episcopal meeting at Maynooth, as is expressed in the printed paper, after certain passages in the original MS. had been altered and certain provisions that accompanied the oaths had been suppressed at the suggestion of some members of the Meeting. It is most earnestly hoped that your Lordship and the other Vicars Apostolic may approve of these formulæ, or that they may be pleased to frame and substitute others in their place, satisfied as we are that no Catholic Prelate will of himself draw up any religious test or declaration that is of equivocal or doubtful meaning. I am sure that your Lordship will not hesitate to declare that it does not belong to lay personages of any quality to frame such tests for binding the consciences of Bishops and clergy, as well as the mass of the laity, or for regulating ecclesiastical discipline, but for those whom God has appointed to rule His Church. Now that this irregularity took place in framing the principal oath in the late Bill, I have Mr. Butler's authority. In a letter of his to Mr. Rayment,[2] dated August 2, which I saw the other day at York—I will give your Lordship the whole passage *verbatim*:—'He (Dr. Milner) published and circulated a handbill charging me (Charles Butler) with framing the Oath of Supremacy in the late bill. Mr. Edward Blount of Bellamore would inform him that it was framed by himself, another gentleman and Mr. Plunkett, and taken by him to Dr.

[1] *Westminster Archives.* [2] Rev. B. Rayment, priest at York.

Poynter and approved of by him without my seeing it.' On this passage I need only remark that it was not more for Edward Blount than for Charles Butler to frame an Oath to bind the consciences of thirty-seven Bishops, 3000 priests and five millions of Catholics. And yet, my Lord, the same, or nearly the same, thing will take place a few months hence. I mean laymen will compose doctrinal oaths and regulations of discipline which we shall be called upon barely to sanction, if we do not take our proper station and dictate at least the doctrinal Oaths which Catholics may safely take to obtain for themselves civil advantages. This is what the great majority of clergy in Scotland as well as in England and Ireland no less than the laity call upon us to do, in order to prevent that fatal division which we were exposed to a few months ago. I have spoken of the Scotch Catholics as one acquainted with their sentiments. The fact is, having learnt that Bishop Cameron had expressed himself very kindly in my regard, and expressed a wish to see me, and having previously received a very friendly letter from Bishop Smith, I resolved at the termination of my Northern visitation to extend my journey to Durham and Edinburgh, whence I crossed the country to Glasgow and Greenock, and returned homeward through Lancashire. The above-named Prelates received me most kindly, and though I had not a copy with me of the Oaths approved of by the Irish Bishops, they expressed their approbation of the substance of them as they gathered this from my account of the Oaths; and in particular they declared their earnest desire that whatever religious tests are brought forward on our part in future should be the genuine composition of Bishops and not of lay gentlemen, and should be approved of by the Episcopal College in general. I must add that the Irish Prelates wish that the enclosed formulæ or any others which Bishops may compose in lieu of them should not be prematurely brought forward or communicated to the laity, but should be kept in readiness for the next plan of a bill which may be presented to Parliament.

"I have the honour to remain, my Lord, with due respect and regard,

"Yr. Lordship's most faithful and obedient servant,

"✠ J. MILNER."

"W. HAMPTON, *Sept.* 9, 1821."

It was unfortunate that Milner was unable to write without introducing controversial matter, which diverted the issue and retarded the cause which he had in view. Dr. Poynter answered as follows:—[1]

"My Lord,

"I beg to thank your Lordship for your favour of the 9th instant, received this morning, and enclosing the forms of two Oaths as being proper to offer to the legislature in any future bill of Emancipation. I shall give them every consideration in my power.

"I was greatly surprised at the passage which your Lordship extracted from the letter of Mr. Charles Butler to the Rev. Mr. Rayment, and I must beg leave most unequivocally to contradict that part of it which relates to myself, *viz.* in which he says that the Oath of Supremacy in the late bill 'was taken by him (Mr. Edward Blount) to Dr. Poynter and approved of by him'. Mr. Butler was misinformed on these two points. Mr. Blount never brought the Oath or Bill to me. As soon as I saw the Oath in the bill, I communicated my objections against it to Mr. Plunkett and declared expressly that I could not approve of it.

"I have the honour to be, my Lord,

"Your Lordship's obedient humble servant,

"✠ William Poynter."

It is obvious enough that Dr. Poynter was alluding to a different oath from that to which Milner alluded; and he was unwilling to let Milner know definitely that he had in any real sense approved of any oath. Writing to Dr. Kirk in the language of the schools, he says: "You will perhaps hear a syllogism, 'The Propaganda has condemned that Oath as schismatical; Bishop Poynter has approved it; ergo, etc. Bring into the minor, Archbishop Curtis approved of it; Archbishop Troy approved of it; several Irish Bishops approved of it and declared that it contained nothing contrary to the principles of the Catholic religion and might be conscientiously taken by any Catholic." Charles Butler was indeed wrong in saying that Mr. Blount had submitted the amended oath to Dr. Poynter; but he was not wrong in saying that Dr.

[1] *Westminster Archives.*

Poynter had approved of it, at least sufficiently to say that in its amended shape it might be taken. When the Bishop's disclaimer reached Butler's ears, an unseemly wrangle took place in which he (Butler) maintained that it was evident from the context that he was alluding to the revised Oath, and he spoke of Dr. Poynter's "inconceivable misconception".

Notwithstanding this unfortunate side issue, Milner was satisfied in general with the work he had accomplished. He wrote to Dr. Murray under date September 30, 1821 :—

"I own I have been infinitely desirous of uniting the Catholic Bishops of both our Islands in the prosecution of this good work; and I believe I have travelled two thousand miles within these four months to effect it: but having succeeded to a certain degree in this undertaking (for Drs. Smith, Cameron and Collingridge have assured me by word of mouth that they wish success to such a plan, and Dr. Poynter has promised me in writing that he will give it his most serious attention), I desire most unaffectedly to retire into the background, as one of your prelates wishes me to do, and that some other form of Oath or Oaths, different in its wording, but the same in its meaning, should be drawn up by one of your Prelates, Dr. Troy or your Grace, for example, and approved of and signed by the rest. Should this be done, I promise to add my signature to it as a private individual, and I think I can answer for the signatures of the other English and Scotch Vicars Apostolic. Such a document will instantly meet with the concurrence of all our clergy and laity in both islands, and will be adopted in the Emancipation Bill whenever his Majesty gives the approving nod for its passing."

Less than a month after this, Archbishop Curtis made his promised effort to restore peace and good understanding between Dr. Milner and Dr. Poynter. The letter which he wrote will be found in the Appendix, as well as Dr. Poynter's answer, and letters of adhesion thereto on the parts of Bishops Smith, Collingridge, Cameron and Paterson.[1] The correspondence is not pleasant reading. Dr. Curtis, coming fresh to the subject, entirely underestimated the depth of the feeling between the two vicars apostolic. He was impressed with Milner's wish for peace and harmony which he had expressed at the Maynooth

[1] See Appendix L.

meeting, and on the strength of this he asked Dr. Poynter to "renew his friendship and confidential intercourse" with him. Dr. Poynter answered at some length. After detailing the work and negotiation which he himself had accomplished while the late bill was before Parliament, he declared that he had from the first objected to the Oath of Supremacy, and called upon Milner to retract what he had said in the opposite sense. He proceeded, as on former occasions, to declare that he had long since forgiven Milner personally; but that it was impossible to renew "friendship and confidential intercourse" with him unless he would change his methods. He fully admitted that he had lost all confidence in him, and denied that Milner's assurances at Maynooth formed any sufficient ground for a change of attitude on his part. "I beg to assure your Grace," he writes, "that we are quite accustomed to such scenes as these. He is, I doubt not, sincere at the moment; but he returns in too short a time to his former unaccountable spirit to allow us to depend at all on such acts or declarations. I have seen him on his knees before Bishop Douglass asking pardon for his past behaviour towards him; but he soon repeated the same offensive conduct." Dr. Poynter then proceeded to recount all his former grievances against Milner in the past, declaring that "there is something most unaccountable in his character which excites our religious, our charitable and compassionate concern for him as a Bishop and as a Brother; but cannot excite our confidence".

Before forwarding this letter to its destination, Dr. Poynter sent a copy to each of the other vicars apostolic in England and Scotland, who all expressed general agreement with the sentiments it contained, and subscribed their names to that effect.

Dr. Curtis did not answer it; but he sent a copy to Dr. Murray, and eventually it unfortunately reached the eyes of Milner himself. It could hardly have been expected that he would leave it unanswered. In fact he wrote in reply a letter of a type similar to his famous "Explanation with Dr. Poynter," nine years before, and almost as long. He accuses his brother Bishop of "downright falsehoods," and repeats his usual accusation against him, of "opposing the avowed artifices and jockeying of a Tavern meeting to the solemn deliberation of a Canonical synod". He formally denies having received

any compensation for expenses from the Irish bishops when he had gone to Rome, partly on their behalf, in 1814; but explains this to mean that he had spent what they had given him over the making of the copper plates for his *End of Controversy*. He calls Charles Butler Dr. Poynter's "professed advocate," speaks of the "Apologetical Letter" as a "libel" containing "scores of falsehoods and calumnies"; and so forth. As he had been formally prohibited by the Holy See from publishing attacks on his brother bishops, he could not have this letter printed; but instead, with incredible industry, he made some twenty manuscript copies in his own handwriting, and sent one to each of the vicars apostolic in England and Scotland, and to the most influential bishops in Ireland.

No answer was sent by Dr. Poynter to this letter; and after a short further letter from Milner, the correspondence came to an end by common consent. Nevertheless, Archbishop Curtis having once written to Dr. Poynter, continued his friendship with him, and wrote to him from time to time, whenever any point of importance to the interests of religion arose.

In the meantime public affairs had been going through considerable changes. An event which had an important bearing on the situation was the visit of the new King to Ireland in the month of August, 1821, on which many hopes were built, and—as is well known—soon frustrated. The King left London on July 31, and embarking on the royal yacht at Portsmouth, set sail the same evening. After eleven days at sea, the wind being still unfavourable, the royal party transferred themselves at Holyhead into one of the early "steam packets," in which they arrived at the Howth pier, Dublin, the same afternoon. Throughout his fortnight's stay in Ireland, the King behaved himself in a manner calculated to win the affections of his subjects, and he was greeted everywhere with loyal acclamations. He received the Catholic bishops at Maynooth, and they were presented to him with their ecclesiastical titles. Every effort was made to make this the occasion of healing old sores; so much so that O'Connell's generosity in this respect was afterwards even made a reproach against him. He not only joined with many prominent Orangemen in welcoming the King, but on the eve of his departure, on Wednesday, Sep-

tember 5, he presented him with a crown of laurels on the shore of Kingstown—or Dunleary as it then was.

On the return journey, after again encountering rough and boisterous weather, the squadron was forced to turn back before reaching Land's End, and the King eventually landed at Milford Haven on Wednesday, September 12.

A few months after the King's visit, Marquis Wellesley was appointed Viceroy of Ireland. He was an Irishman, and was known to be as favourable to the Catholic claims as his brother, the Duke of Wellington, was opposed to them. His appointment tended to confirm the hopes which had been formed after the King's visit, and these hopes were further strengthened by the appointment of Mr. Plunkett as Attorney-General for Ireland. But Mr. Goulburn remained Chief Secretary, and month after month passed away, without anything being done. The general Catholic question was not even mentioned in Parliament in 1822; and before the year was out, the Irish people had learnt that once more their expectations had been dashed to the ground.

A period of despondency followed. "The Protestant," writes Mr. Wyse,[1] "laughed at the credulity of the Catholic, and scornfully resumed his ancient ascendancy; the Catholic, ashamed and indignant at the deception, sunk at once into his former lethargy. . . . They felt they had been duped and debased, and the consciousness of their feebleness and degradation closely adhered to them. All meetings ceased; the very voice of complaint was scarcely heard; an universal torpor prevailed; every one seemed to have despaired of his country."

Speaking a few years later at Dublin, Lalor Sheil gives a vivid description of the state of the country at this period:—[2]

"We had virtually abandoned the question," he said; "not only was it not debated in Parliament, but in Ireland there was neither Committee, Board nor Association. The result was that a total stagnation of public feeling took place, and I do not exaggerate when I say that the Catholic question was nearly forgotten; all public meetings had ceased; no angry resolutions issued from public bodies; no exciting speeches appeared in the public papers; the monstrous abuses of the

[1] *History of the Catholic Association*, i., p. 194.
[2] *Memoirs of Sheil*, i., p. 183.

Church Establishment—the frightful evils of political monopoly —the hideous anomaly in the whole structure of our civil institutions—the unnatural ascendancy of a handful of men over an immense and powerful population—all these and the other just and legitimate causes of public exasperation were gradually dropping out of the national memory. The country was then in a state of comparative repose, but it was a degrading and unwholesome tranquillity. We sat down like galley-slaves in a calm."

Although the general question was not raised in Parliament, a short bill was introduced by Mr. Canning in 1822 on behalf of the Catholic Peers, to allow them to sit and vote in the House of Lords without taking the Oaths. He based his argument on a contention that their exclusion had never been intended as more than a temporary measure. It was due to an Act passed in the thirtieth year of Charles II., and he contended that its real object had been to exclude the Duke of York. He was supported by Plunkett, but opposed by Peel. On a division the motion for leave to introduce the bill was carried by the narrow majority of 4—249 against 245; and the second reading was subsequently voted by 235 against 223; while the third reading was unopposed.

In the House of Lords itself, however, the bill met with great opposition, Lord Colchester leading off, followed by the Lord Chancellor (Lord Eldon) and then by the Prime Minister (Lord Liverpool) who protested, not without reason, of the inconsistency which would follow from admitting Catholics to the House of Lords and excluding them from the House of Commons. The whole bill was in fact due to the influence of those of high rank, and was an unworthy compromise, and an attempt to silence those among the Catholic body who had position and influence, while the rank and file would have been left unrelieved. The two old supporters of the Catholics—Lord Grenville and Lord Grey—spoke in favour of the bill; but the voting went against it by 171 to 129.

While the bill was before Parliament, the Catholics sustained a severe loss by the death of Edward Jerningham, under sadly pathetic circumstances.[1] He was present at the second reading debate in the House of Commons, apparently in his

[1] See *Jerningham Letters*, vol. ii., p. 243 *seq.*

usual health and spirits. Shortly afterwards he and his wife both fell ill of erysipelas in the head, and lay dying in the same house in Bolton Row, Piccadilly, the town residence of Lady Jerningham. Mr. Jerningham was the first to die: after receiving the last rites of the Church at the hands of Dr. Bramston with great devotion, he calmly expired on May 29. Hopes were still held out for the recovery of his wife; but such was not the will of God. She was attended first by the Rev. Edward Scott, the representative of Stonyhurst in London, and afterwards by Abbé Busson, who had just arrived from Paris. It is doubtful whether Mrs. Jerningham ever learnt in this world of the death of her husband. His coffin had been brought in and afterwards carried out with extreme quietness, in order to keep the fact of his death unknown to her. One day she seemed to guess that something had happened to him; but it soon passed out of her mind. During the latter part of June she grew steadily weaker, and breathed her last on the morning of the 24th. The remains of herself and her husband were deposited together in the family vault at Costessey in Norfolk.

A further loss to the Catholic cause took place the following August, by the suicide of Lord Castlereagh—or the Marquis of Londonderry, as he had recently become—while of unsound mind. Though Milner used to call him his arch-enemy, and henceforth spoke of him as "a vile suicide," Lord Castlereagh had always spoken and voted on the Catholic side. His death left a vacancy in the Government, and Canning re-entered the Cabinet as Foreign Secretary; but for a time he ceased his active support on behalf of the Catholics. He declared, indeed, that he only ceased to support them openly as he thought that in view of his new position he could serve their interests more effectively in that way; but the Catholics themselves looked on this as only an excuse, and suspected him of throwing them over in order to obtain high office.

As the following year approached, and it was understood that Mr. Plunkett would re-introduce his former bill, Milner again became active. He had written to Propaganda at the time of the petition to the King in 1820, which he had refused to sign, and, with strange inaccuracy, he described it as "an

Oath, spontaneously offered by many of the English Catholic nobility, and by all the Vicars Apostolic, with the sole exception of myself," adding that he discerned in it "a disposition and preparation for offering the Oath of Royal Supremacy in ecclesiastical and spiritual matters, which the followers of the lawyer Charles Butler have for many years longed for, but for refusing which our Cardinal John Fisher, Bishop of Rochester, our Chancellor, Thomas More, and a hundred other martyrs in the time of Henry VIII. and Elizabeth shed their blood".[1]

It will be remembered that the petition alluded to contained no reference to any oath. It is possible that Milner confused it with the original draft, which had contained an oath to which exception had been taken, and the petition had been amended. However this may be, at any rate Propaganda had become aware that the petition contained no oath, and returned no answer to Milner. He wrote again more than once, and requested also that the vicars apostolic might be commanded to hold a meeting to consider the situation; but for more than two years Propaganda left his letters unanswered. At length he wrote in very pressing terms, on June 17, 1822, giving a long argument to show that the oath in Plunkett's bill the previous year was schismatical, and demanding a decision in respect of it. To this Propaganda answered that it did not seem clear (*non constat*) that any oath had been enacted that was objectionable; adding with respect to the oath about which he had written "as it is not sanctioned by the civil power, and has not been taken by the lay gentlemen, and still less by the Vicars Apostolic, it is not proper for the Holy See to pronounce upon it; but if it should be sanctioned by law, in that case the Holy See will pronounce its judgment".[2] To the requisition for a mandatory meeting, no answer was returned.

Milner was now becoming anxious. Writing to Dr. Murray on January 28, 1823, he expresses his fears as follows:—[3]

"Our reverend and beloved friend the Primate has ac-

[1] See his letter in the Archives of Propaganda (*Congressi, Anglia*, vol. vii.) The original is in Latin.

[2] See Milner's letter to Dr. Troy dated October 22, 1822 (*Dublin Diocesan Archives*), and Gradwell's letter to Dr. Poynter of December 4, 1822 (*Westminster Archives*).

[3] *Ibid.*

quainted me with the substance of what he has written to your Grace concerning a modified Oath of Supremacy, and I perfectly agree with him that however orthodox it may turn out to be in itself, it will certainly scandalise and divide the people. The uproar about the Veto was a calm compared with the hurricane which the proposal of any kind of Oath of Royal Supremacy will instantly raise. As your Grace enjoys so much of Mr. Plunkett's confidence our chief hopes of escaping this dreaded evil rests on you."

Soon afterwards Milner put himself in communication with Mr. Plunkett—who had now become Attorney-General for Ireland—and offered for his consideration the oath which he had himself devised. The latter answered him with all civility, and after commenting on the proposed oath, ended up, "The person who can devise any form of expression on this delicate point will deserve well of the country".[1]

In the event, however, Mr. Plunkett's contemplated bill was never introduced. The Catholic question was to be raised on April 17, and when the usual petitions were brought forward, Sir Francis Burdett, who had always voted on their side, rose and said that the annual discussion of this question had become a farce; but it had now become also a mockery, as Canning had ceased to be their champion, and had recently declared that it was impossible that there should ever be a Government which would carry the measure. He concluded that all honest friends of the Catholics ought to withdraw. Canning, however, disclaimed the conclusion that Emancipation was hopeless, saying that he only meant that it would never be passed as a Government measure; hence if the cause was lost through the secession of Sir Francis Burdett and his followers, the responsibility would rest with the seceders. A little later on, however, the debate was cut short by a "scene" such as disgraces the House of Commons from time to time. Mr. (afterwards Lord) Brougham declared that Canning was selling his principles for the sake of office, and had "truckled" to the Lord Chancellor (Lord Eldon), the avowed enemy of Catholics. Thereupon Canning interrupted and excitedly exclaimed, "That is false". At this there was a dead silence in the House, till the Speaker called upon Mr. Canning to withdraw

[1] See letter dated April 8, 1823 (*Dublin Diocesan Archives*).

his expression. For a time he seemed unwilling to do so; but the feeling of the House was against him. Mr. Brougham had indeed spoken strongly, and used provocative language; but he had not overstepped the usual limit of party argument; while Canning's remark was distinctly unparliamentary, and his manner aggressive. Eventually he expressed his willingness to withdraw on condition that Mr. Brougham would declare that he did not intend a personal attack, which the latter agreed to. After this Mr. Brougham continued his speech. Mr. Plunkett then rose to make his motion; upon which Sir Francis Burdett and several influential members of the Opposition left the House. Plunkett was met by a series of motions for adjournment. The first, "that the House do now adjourn" was by leave withdrawn, and a motion "that the debate be adjourned to to-morrow" was substituted. On a division this was negatived by 292 votes to 134. Then it was moved "That the debate be adjourned till Monday next," which was negatived without a division. A member then proposed "that the debate be adjourned to this day six months". This was equivalent, according to parliamentary usage, to negativing the bill for the session. It was therefore met with an amendment, "That this House do now adjourn," which was carried by 313 to 111. Technically this was a victory for the Catholics, as it left the bill "in the House," and capable of being proceeded with. In fact, however, it was not brought forward again, and the general Catholic question was allowed to rest for two years, until it was raised again by Sir Francis Burdett, an account of which we must reserve for a future chapter.

During the interval, some abortive attempts were made to obtain what has been called "partial emancipation" for British Catholics, by granting them the privileges which the Irish Catholics had enjoyed since 1793, but which the English were still without, the chief being the right to exercise the elective franchise, and to hold certain offices. Lord Nugent introduced two bills to this effect in 1823, and receiving the support of Peel, they both passed the House of Commons without difficulty. The first, however, was thrown out by the Lords by 80 votes to 73, while the second was postponed to the following year. In 1824 they were both thrown out by the Lords—the first by 139 votes to 101; the second by 143 to 109. At

the same time the object of the second bill was partly accomplished by a general act which provided that any one might hold offices connected with the revenue without taking any oath beyond that of allegiance. This Act passed through Parliament unopposed. A bill enabling the Duke of Norfolk to exercise his office of Earl Marshal was also passed. It was proposed by Lord Holland in the House of Lords, and the second reading was carried by 24 votes to 10.

In the year 1823, also, it appeared as though there was some chance of the long-standing grievance of the illegality of marriages celebrated in a Catholic church being remedied. The whole question of the Marriage Laws was before Parliament, and the moment seemed opportune to raise the matter of their bearing on Catholics. Both Dr. Poynter and Dr. Milner prepared a petition to Parliament, independently of one another,[1] and their friends were hopeful of success. Dr. Poynter even had a short bill drawn out, dealing with the position of Catholics, which he hoped to get introduced as an addition to the main act: but in the event, the debate was prolonged on other matters, and the consideration of the case of the Catholics was never reached. In the new act passed in that year independent provision was made for Jews and Quakers; but neither the Dissenters nor the Catholics were provided for; and the necessity of going before the Protestant minister continued.

[1] Both petitions are printed in the *Catholic Spectator* for 1823, p. 222 *seq.*

CHAPTER XXXIX.

NEW BISHOPS.

WHEN Bishop Gibson died, on June 2, 1821, there were left only four bishops in England, one over each district without a coadjutor—an unusual if not an unprecedented state of things. Milner became the senior vicar apostolic, and used to sign his name as such, which had never been usual before; in consequence of which he became popularly called "the Senior". His adoption of that style represented the view he had always held of the importance that there should be some co-ordination among the vicars apostolic, and that one should take precedence over the rest. The only question was how far this was practicable without one of them being raised to a higher dignity, equivalent to an archbishop. In any case, in the present instance, considering Milner's isolation from his brethren, little good was likely to accrue, as he himself well realised.

The dearth of bishops was not altogether accidental,' if we are to believe Dr. Gradwell's account. Writing to Dr. Poynter on October 6, 1819, he says:[1] "About a fortnight ago Bishop Milner wrote a furious letter to Propaganda. He said he would ask for a Coadjutor if he was not afraid that the other Bishops would imitate his example, and get Coadjutors like themselves, to the ruin of religion in Great Britain. . . . I heard [this] from Cardinal Fontana." Of course the chief district which he had in mind was that of the Metropolis. He had succeeded in preventing the appointment of the Rev. James Yorke Bramston as Dr. Poynter's Coadjutor for six years, and he hoped to stop it altogether. It is imaginable that he still may have looked upon his own transfer to the London district as a possible contingency; for though he was ten years older than Dr. Poynter, he enjoyed robust health, while Dr. Poynter was known to have a mortal complaint and to suffer greatly at periodical in-

[1] *Westminster Archives.*

tervals. The idea of his dying and being succeeded by a former pupil of Charles Butler—as Mr. Bramston was—would have appealed to Milner as more than a misfortune.

So, however, it came about. Within two years four new bishops were appointed. Before Emancipation came, three of these had succeeded as vicars apostolic, and the fourth did so two years later. Thus those elected at this period were practically to shape the course of Catholic events for another generation: they were to be the Emancipation Episcopate. The story of their election must now be told.

As soon as Dr. Gradwell arrived in Rome, in 1817, he had in mind that Dr. Poynter wished him to arrange for the elevation of Mr. Bramston to the episcopate, in spite of the opposition of Bishop Milner. This he very nearly succeeded in doing, without Milner being aware of what was taking place. Dr. Poynter wrote a formal petition on December 23, 1821. On Wednesday, February 27, Dr. Gradwell had an audience of the Pope, in order to introduce the new Archbishop of Baltimore, for he acted as agent for the American bishops. He took the opportunity to present Dr. Poynter's petition, to which the Holy Father gave his immediate consent. He said: "Mgr. Poynter is young and strong: and I hope will last many years. He is a learned and prudent Prelate. He has had great difficulties and has often been unworthily abused. His prudence and patience have overcome them. I know his merits. He is a good Bishop. The Cardinal Secretary of State and Propaganda have great confidence in him. He is also much respected by his own Government." He then endorsed the petition, and gave it to Dr. Gradwell to take to Cardinal Fontana, in order that the brief might be made out. Gradwell wrote highly satisfied with himself for having arranged so important a matter both quickly and quietly.

When everything seemed settled, however, the whole arrangement was upset by the illness of Cardinal Fontana, which terminated fatally on March 19, 1822. Some time elapsed before any new appointment was made in his place; and when it was made, it was evidently only regarded as temporary, Cardinal Consalvi becoming "Pro-Prefect" of Propaganda. He insisted on the matter being formally brought before a "Congregation"; and when it was, the cardinals requested to have

three names to choose from according to the usual custom, and that time should be allowed in order to ascertain the opinions of the other vicars apostolic. The question of a coadjutor for Dr. Collingridge was also awaiting settlement, and the two appointments were considered together. This, of course, gave Milner the opportunity of opposing the election of Mr. Bramston, and was exactly what Dr. Gradwell had been trying to avoid. As it had now come to this, however, the only alternative was to try to overcome Milner's influence, which—after many delays—he succeeded in doing. At a Congregation held on January 13, 1823, Rev. James Yorke Bramston was appointed coadjutor in the London District, and the Rev. Peter Augustine Baines, O.S.B., in the Western.

There was something almost humorous in the former appointment. Dr. Bramston was in his seventieth year, while Bishop Poynter was only fifty-seven. The coadjutor also had very bad health, his abnormally large size indicating an unhealthy constitution, and he had more than once been on the brink of death. His prospects of life were certainly less favourable than those of his chief. In other respects indeed he was suitable enough. His long legal training, combined with many years' experience on a busy London mission, gave him two qualities which were singularly valuable in a bishop, the latter of which has been curiously rare among the London bishops.[1] Dr. Poynter bore witness to his own esteem of Dr. Bramston, in writing to Dr. Collingridge at the time. "Mr. Bramston," he says,[2] "has been of immense service to me in my public business, which is become very public. He has never led me wrong. He has by his caution kept me right in cases where from my less experience I might have run wrong. We have not his equal for such business as the situation in London requires. He is equally zealous and prudent, strictly conscientious, and a man of solid and tender piety. He is indeed sometimes jocular; but he knows when to be serious. I have heard him sometimes say when he has made one with me that

[1] Except Dr. Douglass, who was for some years a missionary at York, none of the other London vicars apostolic, either before or since, have ever been in charge of a mission; and almost the same may be said of the four Archbishops of Westminster. Cardinal Manning was indeed Superior of the Oblates at Bayswater; but that is hardly the same as being directly in charge of a mission.

[2] *Clifton Archives.*

Bishop Baines

it would never do for the Bishop (alluding to me) to crack jokes as he did. I doubt not if he were a Bishop he would conduct himself as a Bishop should do."

The election of Dr. Baines gave to the English episcopate one who was destined to be among the most prominent and influential of its members; yet whose presence was to be a source of embarrassment and strife. He had been educated partly abroad, at the monastery of the Anglo-Benedictines at Lamspring; but had completed his training at Ampleforth, where he was professed in 1804. He remained for another thirteen years on the staff of the College, until 1817, when he was appointed to the Benedictine church at Bath, then a most fashionable resort for those in high life. Here, as at Ampleforth, he exercised great influence, and was highly esteemed, and his election to the episcopate took no one by surprise.

A curious question arose with respect to his consecration. Bishop Collingridge was too weak to undertake the ceremony. In the ordinary course Dr. Baines would have wished Milner to perform the sacred rite; but respect for Bishop Collingridge, with whom Milner had had such differences in the past, caused him to hesitate about doing so. He therefore asked Bishop Poynter to act as consecrator, stipulating, however, that Milner should be present. It is probable that he already had in his mind the idea of utilising the occasion in order to bring about a better understanding between them. Dr. Poynter answered that he would not have the slightest objection to Milner being present; but, with a thoughtful consideration which we cannot but admire, he called attention to the fact that Milner was now senior vicar apostolic, and that it would be hardly respectful to invite him in a subordinate position: if he came at all, he ought to be the consecrating bishop. Dr. Poynter also questioned the advisability of holding the ceremony publicly in Bath, as had been proposed, and suggested that the two new bishops should be consecrated together at St. Edmund's College. It appeared, however, that Dr. Bramston's consecration could not take place until June, and as Dr. Baines did not wish to wait so long, he crossed over to Ireland, and, by leave of the aged Dr. Troy, he was consecrated by Dr. Murray in the old Townsend Street Chapel at Dublin on May 1, 1823.

A few weeks later, on the feast of SS. Peter and Paul, Dr. Bramston's consecration took place in the Chapel of St. Edmund's College. The consecrating prelate was, of course, Bishop Poynter, the two assistants being Bishops Collingridge and Baines. Bishop Smith likewise was present, as well as Dr. Gradwell, who had returned from Rome for the vacation. In view of the long and persistent opposition which Dr. Milner had made against Dr. Bramston's appointment, it was thought more considerate not to invite him. After the ceremony, a short meeting of vicars apostolic was held, at which the Jesuit question was discussed once more; but the resolutions come to can conveniently be dealt with in another chapter.

The absence of Milner from the ceremony at St. Edmund's and from the meeting which followed it, was necessarily marked. Bishop Baines determined to attempt to bring about a reconciliation between him and his colleagues. For such an attempt he had special qualifications; for while he was an admirer of Milner, he was by no means blind to his faults, so that he could hold a middle position between the opposing parties. He therefore wrote a long letter to Milner with this end in view.[1] He told him plainly that the others were afraid of him, by which he presumably meant that they were afraid as to what his action might be in their regard, lest he should write against them or compromise them in other ways, as they considered he had done in the past. He declared that Dr. Poynter would never succeed in persuading the Irish bishops "that Dr. Milner is undeserving of confidence"; adding that, "most of them think of your Lordship as I do, that you have merits which very few ever can equal, but by a fate common to all mankind, you have been sometimes wrong". As an instance of this latter fact, he called attention to Milner's writings in "so low a publication as the *Orthodox Journal*," which he described as edited by "a vulgar pugilist". Milner's attacks on the other bishops in that periodical had, he said, hurt their feelings more than anything he had done.

Milner took seven weeks to answer this letter; but it evidently made no impression on him. The idea that he had ever, even once, been wrong, or Dr. Poynter right, was foreign

[1] See Appendix L, where Dr. Baines's letter and Milner's answer are given in full.

to his whole nature, and he could not understand any kind of fear of himself except that of the strength of his arguments, which it appeared to him that the other bishops obviously would have. He wrote back in his usual spirited style, arguing that though Dr. Poynter had not written for the *Orthodox Journal*, he had communicated matter for it, and for worse periodicals; and he proceeded to a declamation about the Fifth Resolution, Blanchardism, the Bible Society, and the rest. On perusing it, Dr. Baines must have felt that he had undertaken an impossible task.

No better success rewarded the various friends of Charles Butler, who tried repeatedly to bring about a meeting between him and Milner with a view to effecting a reconciliation between them. Milner persistently refused the offer. At length Butler thought the time had come to appeal to the Holy See against Milner's repeated attacks. He drew up a long letter to Cardinal Fontana, dated March 23, 1822, which he had translated into Italian.[1] He disclaimed any personal animosity, but complained that Bishop Milner had been continually writing defamatory pamphlets and articles against him ever since the year 1810. He said that he had made repeated attempts to effect a reconciliation, first through Edward Jerningham, then through Dr. Kirk and Dr. Fletcher, but that Dr. Milner had refused to meet him. Butler declared his own attachment to his religion which had led him to write his lives of Bossuet, Fénelon, St. Vincent of Paul, Thomas à Kempis, and others, and also a history of the Church in France in recent times. He asserted that all Dr. Milner's charges against him were false. He admitted indeed that he belonged to the Cisalpine Club, but explained that the only Cisalpine doctrine which he held related to the independence of the State in temporal matters, but he was a firm believer in the supremacy of the Pope in spiritual matters. He protested especially against Milner's accusation that he had any wish "to establish the spiritual supremacy of the British Catholic Church in the British Sovereign, and to render it independent upon his Holiness". In conclusion, he added a copy of the letter he had written to the vicars apostolic assembled at Durham in 1811,

[1] See copy of this letter, and the correspondence connected with it, given by Butler to Bishop Walsh (*Oscott Archives*).

expressing his readiness to correct or retract any errors that might be found in his works, on their being brought to his notice. He also said that he had a good case for prosecuting Dr. Milner at law, but in consideration of his dignity, he thought it preferable to appeal to the Holy See.

On sending this to Rome, Butler wrote to Dr. Gradwell, asking him to inform Cardinal Fontana that he had not sent a copy to Dr. Milner, lest he should publish it, with "refutations," as he had done in the case of Dr. Poynter's letters to the Irish bishops when they fell into his hands. But he was willing to send Milner a copy, if his Eminence thought it wise.

The presentation of the memorial was delayed by the death of Cardinal Fontana. As soon as Cardinal Consalvi was installed as Pro-Prefect of Propaganda, it was brought before him, on July 6, 1822. Learning that it had not been shown to Milner, he thought better that it should not be: he accordingly wrote a guarded and diplomatic answer, which he hoped would tend to allay the quarrel. The following is a translation:—

"SIR,

"By the letter which you transmitted to the Cardinal Fontana, of distinguished memory, I have been made fully acquainted with what has passed between you and Mr. Milner, Vicar Apostolic of the Midland District of England, and with what you have adduced in your justification, all of which induces me highly to commend your moderation, as well as the prudent conduct you have observed with regard to the Midland Apostolic Vicar; and trusting that by these means all further cause of ill-will and animosity will cease, I pray God to bless you with all the happiness you can desire.

"I am, very affectionately,

"H. CARD. CONSALVI,

"*Apostolic Minister.*

"C. M. PEDECINI,

"*Secretary.*"

"PROPAGANDA PALACE, ROME, *July* 6, 1822."

In private conversation, Consalvi spoke more freely. His Secretary, Mgr. Pedecini, told Dr. Gradwell that the cardinal had been much edified by Butler's forbearance under considerable provocation; but that "as Dr. Milner is a man of such

warm feelings and such a pertinacious disposition," any action on his (Consalvi's) part "might kindle a blaze," and he would rather ask Butler to continue his edifying self-restraint.

This answer satisfied Charles Butler; for he had stated his case, and received general commendation as a good Catholic, and this was sufficient for the moment. Here, therefore, the matter would have rested had not Dr. Milner—who was unaware of what had happened—taken further measures against him. In the month of May, 1822, he instituted an annual meeting of his clergy, somewhat similar to the modern diocesan synod. They met together at Sedgley Park, and first went to the chapel, when Bishop Milner delivered an address on the needs of his diocese or district, or any other topic affecting the interests of religion. He delivered it in episcopal dress—that is, in rochet and mozetta—sitting before the altar. Later in the day, the clergy dined together. The first of these meetings took place on May 8, 1822. There were thirty-three priests present, which would have been between a third and a half of the total number in the very extensive Midland District. Milner's address turned chiefly on the retractation to be required of those who have given scandal before they can receive absolution. He instanced especially the case of Napoleon Bonaparte, who had died just a year before, and the details of whose last hours were still fresh. It appeared that he had been attended by a priest called Vignali, who had administered the last rites of the Church without calling for any retractation. It is somewhat difficult to see what he could have retracted. That he had been often guilty of scandalous conduct, no one will deny, and that some kind of satisfaction was due to many whom he had injured; but that is a debt which it is impossible to pay on a death-bed. At any rate the priest did not ask for a public declaration of any kind, and Milner censured him for not doing so. He then proceeded to make similar strictures on the conduct of Charles Butler. He always considered that some kind of public satisfaction was due from him, and this feeling was the more emphasised at that time, as the third edition of the *Historical Memoirs* had recently appeared and it contained—as its predecessors did—a re-print of the pamphlet called *Roman Catholic Principles in Reference to God and*

the King, which Milner had several times condemned. He said, therefore, that Butler was to be treated as "a rebel to ecclesiastical authority and a public sinner," and to be denied the Sacraments.

Milner never promulgated this censure publicly: Charles Butler did not get to know of it till many months afterwards, and then only by vague report. The only time when it might have affected him practically would have been during the fortnight's visit which he was accustomed to pay annually to Stonor Park[1] for the purpose of making a spiritual retreat; and even then, according to the custom of his day, he would only have gone to the Sacraments if his visit happened to coincide with one of the "Eight Indulgences". Butler realised this; but he looked upon the censure as an unpleasantness, and even an insult, and determined once more to appeal to Rome. The Rev. Edward Scott made another attempt to effect a reconciliation by approaching Milner in December, 1822; but he was unsuccessful. Early in the new year, the bishop issued a "Letter to the Catholic Clergy of the Midland District," once more condemning the "Roman Catholic Principles," and making a virulent attack on the "presumptuous layman . . . who above thirty years ago in defiance of the united authority and public censure of the vicars apostolic strove so long and so hard to impose by a legal enactment upon the consciences of us all the schismatical appellation and the heterodox Oath of Protesting Catholic Dissenters, and who since that period has been incessantly engaged in undermining the Catholic religion in this country." He further blamed him for publishing the Apologetical Letter of Dr. Poynter, which he styled a "gross, self-refuting libel," and once more accused him of depositing in the British Museum a "fabricated record". He then added a commentary on the oath in the late Catholic bill, and the proposed legislative interpretation of it, which he said was "nothing else but the absurd injunction of the female pope Elizabeth, by which she disclaimed the labour of actual ministry in churches, but at the same time claimed all the ecclesiastical power which had been exercised by her father Henry, who effected the schism

[1] Near Henley-on-Thames, the seat of the family of Stonor, now Lord Camoys.

of England, and of her brother Edward who established its heresy."

In May, Milner issued a further publication on a fly-sheet, under the name of "Pastor," in which he once more reverted to the old Fifth Resolution, which he also misstated. He began by asking the question "How far is it lawful for [Catholics] to promote or secure the Religious Establishments or worship of others which they believe to be contrary to the ordinance of God?" and declared that "on the solution of this question depends the lawfulness of the much-agitated Fifth Resolution". It will not be necessary to follow his arguments to show—what every Catholic knows—that ordinarily this is not lawful; nor to argue further whether such a proposition is in any way implied in the wording of the Resolution. It is sufficient to remark that every one recognised that "Pastor" was Milner, as no one else would think of raking up the Fifth Resolution which was then over thirteen years out of date.

Butler's second appeal to the Holy See was dated April 1, 1823. It was considerably shorter than his first appeal, and was concerned chiefly with a defence of the "Roman Catholic Principles"; but the writer expressed his readiness in the event of there being anything reprehensible in them, to retract and reject them, protesting that with Bossuet he took his stand on the creed of Pope Pius.

Apparently this second appeal of Butler never came up for formal consideration. This was due to the pressure of public affairs during the succeeding months, chief among which was the death of the aged Pontiff, which took place, after a short illness, on August 20, 1823. The fact that Pius VII., like his predecessor, had reigned nearly a quarter of a century caused the death of a Pope to assume even greater importance than it ordinarily does. In the case of Pius VII., the close political connection he had had with England likewise added to the feeling of loss. But in truth it is not too much to say that the meekness of his personal character, combined with all the suffering he had gone through during the years of his exile, created a feeling of reverence and personal devotion among the English Catholics which was then somewhat new, but which in subsequent times was carried to a high degree in the

case of Pius IX. In respect to the English Catholics at the beginning of the nineteenth century the effect was most beneficial, and acted as a check on the anti-papal feeling which had made its appearance among a certain section both of clergy and laity during the preceding years. The well-known print of Pius VII. in exile, kneeling before his crucifix, became familiar to all, and in nearly every Catholic house was to be seen either that or some other print of the Pontiff. The feeling found expression in the official *Dirge* and *Requiem* which took place at St. Mary's, Moorfields, on September 25, in the presence of a large and representative congregation, including the ambassadors of the chief Catholic powers. Dr. Poynter sang Mass, very appropriately using the magnificent chalice which the late Pontiff had himself presented on the occasion of the opening of the church. Dr. Bramston was present, and some fifty of the clergy—for those days a very large number. At the conclusion of the Mass, Dr. Poynter preached an eloquent sermon, after which the Absolutions were given, round the catafalque which had been set up, surmounted with the effigy of a papal tiara.

In Rome itself also the death of Pius VII. was an event of unusual importance, not only on account of the part he had played in the history of the times, but also because nearly half a century had elapsed since a Pope had died in Rome and since a Conclave had been held there. Only those who had entered upon old age could remember the death of Clement XIV., and the Conclave which lasted over four months, and ended with the election of Pius VI.

On the present occasion, the death of the Pope took place in the Quirinal, and it was arranged to hold the Conclave there instead of the Vatican. All the traditional ceremonial which marks the passing of a Pontiff was first performed. To such ceremonial an elective monarchy such as the Papacy lends itself more than a hereditary one; for the functions in connection with the Pope who has passed away are not interrupted by any jarring note such as is unavoidably connected with proclaiming his successor at such a moment. During all the time of the obsequies, which lasted nearly a fortnight, Dr. Gradwell was in England. The Vice-Rector, Rev. William White, wrote a long account of them, part of which is worth quoting as illustrating the kind of ceremonies in vogue in the days

when the Pope was a temporal sovereign. He wrote as follows:—[1]

"His Eminence Cardinal Pacca, the Chamberlain S.R.E., being informed of the death of His Holiness, immediately assembled the members of the tribunal of the Apostolic Chamber, and repaired with them about ten o'clock on the 20th, the day of his death, to the Palace of the Quirinal. When he entered the chamber in which his Holiness expired, he fell upon his knees, prayed for the illustrious deceased, and sprinkled him with holy water. Then rising, he drew near to verify the body, whilst the face was uncovered by two gentlemen of the chamber. Having thus verified the corpse of the Sovereign Pontiff, his Eminence withdrew from the bed, and after he had received from Monsignor the Maestro di Camera the Fisherman's Ring, his death was recorded, and the instrument read by the Notary, the Secretary of the Camera, upon his knees. The Cardinal then left the Quirinal for his own palace accompanied by the Swiss Guards, with their Captain on horseback, by whom he is always attended during the *sede vacante*, and receiving the honours of sovereign from the military as he passed. . . .

"On the morning of the 21st, after the expiration of the twenty-four hours from the time of his death, before which the operation cannot begin, the corpse was embalmed, and being habited in a white cassock and red mozetta and cap, was exposed in the afternoon on a state bed and a canopy, both of scarlet, in one of the anti-chambers of the palace. Four waxen tapers stood burning at the corners, and four of the guards noble were stationed around. The people had free access to behold their late lamented and beloved Pontiff, and your Lordship will readily conceive what innumerable crowds of all descriptions of people flocked thither. We could not help being surprised at the state of simplicity in which we beheld departed greatness lying, when we saw nothing more than what I have described, the bed, the lights, the four guards noble, five or six Penitentiaries on common benches in a plain room, without any sable hangings, or any decoration whatever of funeral pomp."

The funeral procession, conveying the body to the Vatican, is described by Mr. White as follows:—

[1] *Westminster Archives.*

"The body was conveyed from the Quirinal to the Vatican in the following order. Two servants, with blazing torches; two others to assist in clearing the way; four trumpeters of the light horse, followed by a troop of the same body with their officer at their head; two trumpeters of the Guard Noble; a Cadet with four Guards Noble; the company of the Swiss Guards with their colours furled, and their Captain on horseback; a master of ceremonies on a white mule; a beautiful litter, lined with crimson cloth, trimmed with gold lace, open on three sides, and carried by two horses, though regularly by two mules. In this lay the corpse of the Holy Father, in a white cassock, mozetta, his ordinary red hat and red shoes, having upon them embroidered a cross of gold; and in this manner he was carried exposed to the view of the spectators in the same manner as the dead are commonly carried exposed on their biers in Rome. Round the litter were the twelve Penitentiaries of St. Peter's, having torches in their hands, and reciting prayers in a low voice. Outside of these two files of Guards Noble on foot, and outside of these two files of Swiss Guards carrying their naked swords against their shoulders; and again outside of these fifteen grooms on each side with red liveries, purple cloaks, and lighted torches. Immediately after the litter, the two companies of Guards Noble, with their Captains at their head, the Master of the horse on horseback. Then—what had a very unusual appearance in Rome—seven cannons with their chests, and artillerymen with lighted matches, as a mark of the Pope's temporal power. A troop of the Company select of the civic Huzzars, a body which with the Guards Noble have been established through the means of Cardinal Consalvi, and which on days of public solemnity contribute greatly to the splendour of the day. Last of all came four trumpeters of the Carabineers, followed by a body of the same troop commanded by an officer.

"This procession moving through various streets lined with soldiers, arrived under the portico of St. Peter's, at the equestrian statue of Constantine, which you will remember is at one extremity of the portico, at the foot of the Scala Regia, corresponding with that of Charlemagne at the other. Then four of the Penitentiaries took the corpse from the litter, and conveyed it on a bier to the Sistine Chapel, and there having habited it

in the vestments of a Bishop and those peculiar to the Pope, placed it upon a bed of state as at the Quirinal Palace, and the same attendants continued around it as before."

On the following day again the body was taken into St. Peter's, and the *novemdiales*, or novena of *Requiems*, were celebrated on the nine succeeding days; on the last of which the body was placed in its temporary resting-place over the sacristy door, where it was to remain according to custom during the succeeding Pontificate.

The obsequies being over, the Cardinals went into Conclave at the Quirinal Palace on September 2. On the evening of the first day the public were admitted; and then the Palace was shut, the doors bricked up, and all communication with the outer world cut off. The Conclave lasted twenty-five days. On the evening of the twenty-fifth day the sound of the hammer was heard, and as soon as an opening had been made the senior Cardinal Deacon announced that Cardinal della Genga had been elected Pope and had taken the name of Leo XII. The new Pope was solemnly crowned at St. Peter's with full ritual on Sunday, October 5, 1823.

The accession of the new Pope almost of necessity meant the retirement of Consalvi from the post of Secretary of State. He withdrew for a while to the seaside resort of Porto d'Anzo in order to rest and recover his strength after the severe strain of his years of office. His successor was the aged Cardinal Somaglia, and those who were devoted to the former regime soon found cause to regret the change which they described as a retrogression, and a reversal of Consalvi's more "enlightened" policy in favour of older and more traditional methods.

Very soon, however, the new Pope fell ill, and it appeared as though he would have a very short pontificate. On Christmas Eve, while waiting for the hour of Midnight Mass, Dr. Gradwell wrote that all the last rites had been administered, and he was not expected to live another twenty-four hours. Fortunately, however, on Christmas Day a change for the better took place, and gradually, but very slowly, he recovered. He was still confined to his bed when Cardinal Consalvi returned to Rome; and most unexpectedly on January 14, 1824, the Pope belied all anticipations by appointing him Prefect of Propaganda, and assuring him of his entire confidence. On

the following day, Consalvi had a long conference with the Pope, in which he discussed all matters which would come under his direction. Prominent among these was the future of English Catholics, about which he expressed the utmost confidence. "Live," he said, "and Catholic Emancipation will take place under your Pontificate. I have worked hard for it, having begun when in London." The change in the outlook of affairs was naturally gratifying to Dr. Gradwell. "Rome is now returning to her senses," he wrote; "the tide of fanaticism which was doing such mischief and threatening greater has received a check. Common sense, of which there have been but scanty signs for these two or three months back, seems to have returned with Cardinal Consalvi."

Just when from Gradwell's point of view everything was appearing hopeful, the whole situation was changed by the unexpected death of Consalvi. This can be recorded in Gradwell's own words, from his letter to Dr. Poynter, dated January 29, 1824:—[1]

"Your Lordship will be solicitous to have an early account of Cardinal Consalvi's last hours and death which all Rome, and I may say all Europe, is now deploring. I was with him on Thursday the 22nd at one o'clock. As he had had a little fever, I did not enter his bed-chamber, but stood in the next room while his Eminence signed the dimissorial for the Ordination of eleven of our students, which I had prepared as usual ready for his signature. This was one of the last, if not the very last signature he made. Very soon after his Eminence was taken ill of a difficulty of breathing and spasms. Friday was a day of continual rain, and few persons went out of doors; so that the Cardinal's illness, which was become very alarming, was little known in the city. He received the sacraments with great piety. Abbate Cappacini, from whom I have had these particulars, was with the Cardinal from Thursday afternoon till his death. The French ambassador, Laval Montmorency, was present and answered at Extreme Unction. On Friday night the Cardinal suffered extreme anguish from internal pains; and before morning his life was despaired of. His Eminence sent one to tell the Pope that he could not give directions on some affairs of state which his Holiness had sent

[1] *Westminster Archives.*

for him to decide upon; and the only thing he could do now was to ask the Pope to send him the last benediction. . . . The Pope sent Cardinal Castiglione, major penitentiary, to dispense it in person. He continued in great pain and agony, his bodily force weakening, till he expired a little after one on Saturday afternoon."

In accordance with custom, the body lay in state, the features according to Gradwell being quite unchanged, "except that one missed the fire of his eye". The crowds that visited the chamber in which he lay are said to have been equal to those who had performed the similar act of devotion so recently to the late pontiff. The body was afterwards transferred to the church of St. Marcellus in the Corso, where the vault belonging to his family was, and there the last rites were solemnly performed in presence of an immense congregation.

The death of Consalvi had an important bearing on the English mission. Dr. Poynter felt that he had lost a close personal friend. One of Consalvi's last letters had been to him: and although they had not met since Consalvi was in London, they had always corresponded on intimate terms. The Cardinal had in fact a great respect for Dr. Poynter. "I never had but one opinion of Dr. Poynter," he said to Dr. Gradwell, "and the more I experience him the more I am convinced of his abilities and merits. He is learned, considerate and of sound principles. Whatever he does, he does well." The respect was quite mutual. Both Dr. Gradwell and Dr. Poynter looked upon Consalvi as by far the most capable man in the Roman Curia, and one on whose friendship they could depend. During the time he had been Protector of the English College, also, he had taken keen interest in its welfare, and shown it in a very practical manner.

During the short period that Consalvi was Prefect of Propaganda it devolved on him to send the brief of election to Dr. Penswick, as coadjutor to Dr. Smith of the Northern District. Thomas Penswick had been a student of Douay for some years before the dissolution of the college. When the collegians were in prison, he managed to escape, and after spending some months at Old Hall, he repaired to Crook Hall, where he completed his education and was ordained priest by Bishop Gibson. Since then he had been on the mission at Liverpool

and elsewhere. On receiving news of his appointment, he arranged for his Consecration to take place at Ushaw. After some delay, the date was fixed for June 29, the feast of SS. Peter and Paul. Bishop Smith being very infirm, it was arranged that he should be one of the assisting bishops, and that Dr. Poynter should act as consecrator. Owing to a variety of circumstances, a third bishop could not be found, and by special permission, the President of the College, Rev. John Gillow, fulfilled the office of second assistant. The absence of Milner was explained by Dr. Penswick in a letter to Dr. Gradwell:—[1]

"Dr. Milner was invited to Ushaw to assist at my consecration, but refused to attend, because Dr. Smith in his letter of invitation to him had required that past disputes between him and Dr. Poynter should not be agitated. The condition was a prudent one; present and future plans for the good of religion would have afforded ample matter for discussion; but the doctor anticipated a complete victory, to which he attached much more importance than to every other consideration. Poor Mr. Walsh of Oscott used every means in his power to urge him to meet Dr. Poynter on the terms prescribed, but to no purpose. His clergy think that Dr. Smith acted prudently, and lament that Mr. Walsh was not more successful."

The limitation which Dr. Smith laid down had been in substance suggested by Dr. Poynter. The fact that the fears expressed were well grounded appears from a letter written by Milner himself to Bishop Collingridge. "Though invited to the late consecration at Ushaw," he writes,[2] "I did not attend there because Dr. Smith interdicted all discussion between me and Dr. Poynter. Had I gone thither I must have produced his voluminous letter to Dr. Curtis and the prelates of Ireland."

All the vicars apostolic now had coadjutors with the single exception of Milner, who was the oldest of them all. There was now no longer any reason for him to delay, especially as his health showed signs of breaking. He accordingly petitioned for one, sending up three names,—Rev. Thomas Walsh, President of Oscott, Rev. Henry Weedall, and Rev. Francis Martyn, the first of whom was appointed. He was not consecrated until May 1, 1825, and we shall postpone the account of the ceremony to a later chapter. Here we can

[1] *Archives of English College, Rome.* [2] *Clifton Archives.*

conclude with a final word about the feud between Milner and Charles Butler. The following note is appended by the latter, at the end of his second appeal to Rome:—

"Mr. Butler received no written answer to his letter or memorial to Cardinal Consalvi dated 1st April, 1823: the troubles at Rome and other circumstances having long prevented his attention to these concerns. But his Eminence finally took Mr. Butler's memorial into consideration, and expressed his intention of returning a favourable answer to it. From doing this, his death prevented him."

Early in the following year a further attempt was made by Butler's friends to bring about a reconciliation. We learn this from a letter of Butler to Dr. Gradwell, dated March 27, 1824. In this he speaks as follows:— [1]

"About a fortnight ago Dr. Milner came to London, and a great effort was made by the Rev. Mr. Scott and Mr. John Gage, to effect an interview between us. On my part this was immediately acceded to, but he declined it from the first, and continued to the last to decline."

This seems to have been the last attempt of the kind. During the remaining two years of Milner's life, he did not come into active conflict with Charles Butler.

[1] *Archives of English College, Rome.*

CHAPTER XL.

THE CATHOLIC ASSOCIATION.

WE now return to the history of Catholic public affairs. A new phase was entered upon with the foundation of the Catholic Association by O'Connell in 1823. With its foundation fresh and unlooked-for forces were coming into play which were destined eventually to win the day and bring about the Emancipation of Catholics. But it required a far-seeing head to understand the significance of what was taking place, or still more to see that it had any chance of success. O'Connell's first object was to re-unite the Catholic body, and to heal the breach which had taken place over the Veto question; his second object was to inspire the people with enthusiasm, and make them conscious of their own power. For he had now made up his mind that the victory must be won by the people themselves, not by the upper classes alone.

The idea of the common people acquiring political power of their own by the ordinary constitutional use of the franchise, and directing their own concerns, would have sounded chimerical at that date even in England; but in Ireland, where they had been so long at the mercy of their landlords, and where their condition was little better than that of serfs, the proposal that they should assert their independence politically would have seemed even quixotic; still more so was the proposal that they should finance themselves by a systematic collection of the pennies of the poor. It was O'Connell's work to teach them that this was practically feasible, and that if they could only exercise their right of voting independently of Protestant influence, under proper organisation and leadership, victory in the end would be certain.

But it was not only the common people who had to be taught this; their leaders also had to learn, and from them the idea was met at first, if not with opposition, at least with

Daniel O'Connell

absence of enthusiasm. The foundation of the Catholic Association had at once the effect of bringing O'Connell's former rival, Lalor Sheil, to his side. It was to him that O'Connell first propounded his scheme; but he did not venture to state it in its entirety and confined himself for the time to the first half, the establishment of the Association itself. The first necessity was to evade the legal difficulties. The Convention Act, passed in 1793 for the suppression of the "United Irishmen," was still on the Statute book, and it provided against any political association of a representative character, whose members were in any sense "delegated" by any group of constituents. The "General Committee" had fallen into this snare when in January, 1811, they called on the Catholics of every Irish county to elect ten members: as a consequence it had been immediately suppressed by Government, and its meetings dispersed. It indeed rose again from its ashes, under the name of the "Catholic Board," which was kept strictly non-representative; but it was closely watched by the authorities, and in 1814 an excuse was found from the tenor of the speeches delivered at the meetings, to proclaim the Board as illegal. The members contrived again to evade the proclamation, and for several years continued to hold meetings; but that which the Government had failed to bring about was accomplished by internal dissensions on the question of the Veto. The disputes became heated, and the Vetoists retired, becoming known in consequence as the "Seceders". They were not indeed numerous, but they included those of position and influence. Their retirement was the signal for general apathy and languor, and the Board died a natural death.

In his effort to revive the Board under a new name, therefore, O'Connell's first thought was to avoid the difficulties which had led to its extinction. In order to keep clear of the provisions of the Convention Act, he constituted it as an open association which any one could join by payment of a guinea a year, without any kind of election or delegation; and by his personal influence he succeeded in winning back the "Seceders". Here for the moment he stopped. The first meeting was held at Dempsey's Tavern, in Sackville Street, on May 13, 1823, and eleven days later the rules were drawn out and agreed to.

There was still, however, no enthusiasm observable; the

meetings were so poorly attended that difficulty was often found in making up the modest quorum of ten, as required by the rules before a meeting could be held. But O'Connell himself kept up his enthusiasm and his hopefulness. In February, 1824, he propounded the second half of his scheme. In addition to the "members" who subscribed the sum of £1 2s. 9d. a year,[1] he proposed that there should be "Associates" who paid a shilling annually. This was equivalent to inviting the whole body of Irish Catholics to join. O'Connell maintained that all—even the poorest—could afford a penny a month, and he calculated that this was capable of producing over £120,000 a year. Even more important than the raising of the annual income, was the stimulus which he considered it would give to all to join in the movement, feeling that each one, however humble, was taking a personal share in helping it forward. He called the levy by the curious name of the "Catholic Rent".

It will be seen that O'Connell was acting in the same way as a modern leader of a social or democratic movement would. The levies of a trade union are of the same nature as the Catholic Rent, and the feasibility of raising a regular income in this way and of forming an association to forward a common policy is now well understood; but O'Connell lived in the days before democratic movements and trade unions, and his plan was treated with a calm contempt by some, while it was ridiculed by others. At the meeting in Coyne's book shop at which it was to be discussed only eight members put in an appearance. The story has often been told of O'Connell, as a last resort, pressing two strange priests from Maynooth into his service, so as to complete the necessary quorum of ten, so that business could be legally transacted. But once he had passed his resolution, he felt confident that it would soon justify itself.

There was another new influence coming into operation which calls for careful study. It was from this time that we must date the active part of the priests in politics. "The general abstinence of the Catholic clergy from all political

[1] Wyse, ii. Appendix, p. xxxvii. The sum £1 2s. 9d. was the equivalent in Irish money of the English guinea, thirteen Irish pence being worth twelve English. The currencies were assimilated in 1826.

deliberations of a public nature," writes Mr. Wyse,[1] "had hitherto very much neutralised the force of such feelings. A great many of the clergy still retained the indistinct and shadowy recollection rather than the body and reality of their former fears. . . . The Catholic Rent in the first instance, the Provincial meetings in the second, roused them from this apathy."

But there was in truth another cause why the clergy began to identify themselves with popular movements, which Mr. Wyse alludes to a few pages earlier. "Maynooth" (he says)[2] "began to be felt; Irishmen who had never left Ireland were the priests whom it sent forth; and though in some instances the proprieties and decencies of their ecclesiastical station considerably lost, the country gained on the whole by the infusion of a more popular spirit amongst the body." This result would never have been gained to the same extent on a clergy educated at Paris or Salamanca.

From the first the Catholic Rent flowed in freely. By September the produce was over £200 a week; before the end of the year it averaged more than three times that sum; and it eventually reached a weekly average of over £1,000. This was indeed less than half of O'Connell's original estimate; but that estimate was based on the supposition that every Catholic in Ireland between the ages of seven and seventy would subscribe; and the fact that it reached nearly half the sum estimated on such a supposition was a far better result than any one could have anticipated. The ends aimed at in making the collection were fully realised. The volunteer collectors worked systematically. In every town of importance they took rooms, each of which became a centre of reunion where the prospects of the movement were discussed and interest in its work stimulated. The success in the outlying districts was less immediate; but given sufficient time, there was every reason to think that the country districts would eventually join in the organisation as completely as the towns. The Rent was apportioned to pay Parliamentary expenses; to subsidise the newspapers, in the same way as the British Catholic Board had done, in order to secure fair treatment in the reports of Catholic meetings and the discussion of Catholic affairs; for legal expenses necessary in order to defend Catholics from

[1] i., p. 229. [2] i., p. 203.

unjust oppression; and for the education of Catholic poor; while a certain amount was set aside for the education of priests to minister to the wants of Irish emigrants in America and elsewhere.

The example of the Irish was followed by the English Catholics, who also formed a Catholic Association in the year 1823. It was founded somewhat on the same lines as the Irish association, so far as the different circumstances of the two countries would permit. The object in England, as in Ireland, was to make the people share in the movement. The Catholic Board had been strictly limited to the aristocracy. The Association grew out of it, and was an attempt to make it reach a larger class of people. The first meeting was held at the Freemasons' Tavern, on Monday, June 2, 1823, the Duke of Norfolk presiding. It was arranged that any Catholic might become a member on payment of a subscription of £1 a year, and that all the clergy should be *ipso facto* members, without the payment of any subscription. There was to be a Committee consisting of all the vicars apostolic and all the Catholic noblemen *ex officio*, together with fifty elected members. Mr. Edward Blount, who had been Secretary of the Catholic Board since the death of Mr. Jerningham, undertook the same office for the association. There was nothing analogous to the "Catholic Rent," which in view of the small number of English Catholics would have been totally impracticable; but in order to raise the necessary funds, a general subscription was made among the Catholic body.

It would appear that it is from the time of the foundation of the British Catholic Association that we may date the development of a better spirit on the part of the Catholic laymen towards their clergy and bishops. From this time onward we find that they always asked the approval of their Ecclesiastical superiors before issuing any petition or other document in which religious principles were concerned, and when a little later on they wished to issue a Declaration of their principles similar to the famous Protestation of 1789, they asked Dr. Poynter to draw it up. Moreover, on January 17, 1825, they passed the following resolution:—

"That the thanks of this meeting are eminently due and are hereby given to the Vicars Apostolic, to their Coadjutors

and to the Roman Catholic Clergy of Great Britain, for the earnest zeal, the distinguished learning and piety, with which they uniformly discharge their sacred functions under circumstances of great difficulty and privation".

To our ears such a resolution savours somewhat of presumption; but when we bear in mind the mutual relations which obtained between the laity and clergy at that time, we cannot fail to see in it an anxiety to put those relations on a better footing. If any doubt remained on the subject, it would be dispelled by the following letter from the Hon. Hugh Clifford to Dr. Poynter announcing the Resolution:—[1]

"My Dear Lord,

"In complying with the very pleasing duty of forwarding to your Lordship the enclosed, I also beg leave to assure your Lordship that nothing which the Association can effect will ever give me greater pleasure than the establishment of mutual confidence between the Vicars Apostolic and the Association, grounded on the conviction that it is the anxious wish of the Roman Catholics of Great Britain, not less than the duty of the Association, to be regulated on all matters of religion by the advice and direction of the Vicars Apostolic.

"In the hopes that the measures taken in the meeting on the 17th to evince this feeling on the part of the Association and the British Catholic body may meet with your Lordship's approbation,

"I remain, with every sentiment of esteem and attachment,

"My dear Lord,

"Very faithfully yours,

"Hugh Clifford."

"*Jan.* 18, 1825.

"25 Duke Street, Manchester Square."

On reading this letter, Dr. Poynter may well have congratulated himself on having lived to see the result of his unwearied patience and charity in their regard, and to feel the influence and ascendancy which he had gained over them.

From the very beginning cordial relations existed between the British and Irish Catholic Associations. It was part of O'Connell's scheme to bring all parties together. In order to strengthen the bond of union he proposed that a deputation

[1] *Westminster Archives.*

should go to England and visit the chief Catholic centres, and should proceed to London to confer with the British Catholic Association, in order to arrange for joint action. The deputation was to consist of Lalor Sheil, Woulfe and O'Connell himself, with Mr. Bric as secretary. They were to start immediately after Christmas, 1824, and to be in Liverpool by December 28. Dr. Curtis, who was one of the few bishops who had given only a partial support to the Irish Catholic Association, was unreservedly pleased at the deputation to England, for he trusted to Dr. Poynter's prudent caution to restrain any indiscretions of which he thought there was danger.

"I hope that circumstance [of their being in London]," he wrote,[1] "may afford your Lordship a facility of conveying to them, either in person or by means of some confidential friend, such instructions and salutary precautions as they may stand in great need of, to restrain and moderate the natural warmth and impetuosity of their dispositions for avowing any close connection with men of dangerous principles or rash politics. Mr. O'Connell is the only one of the three that I am acquainted with, and I have no hesitation in pronouncing him one of the most sincere and best practical Catholics I ever knew: such in a word as deserves any charitable interference your Lordship might, if convenient, have the condescension to employ in his favour, though not so much for his own as for the public welfare."

When we remember the vehemence of O'Connell's public language against Dr. Poynter in 1815, it seems a curious fate that on his first political visit to London he should come with a recommendation addressed to that prelate. He did not, however, profit by the kindness of Dr. Curtis, as the deputation was postponed, owing to circumstances now to be narrated.

When the Government saw the contributions to the Catholic Rent coming in steadily and in an ever-increasing amount, and the feeling throughout Ireland rapidly re-awakening, they could not fail to be disquieted. O'Connell had placed himself in a very strong position. He had succeeded in reuniting the whole Catholic body in Ireland—clergy, aristocracy and people—he had secured the co-operation of the English Catholics, and he

[1] *Westminster Archives.*

was amply provided with the "sinews of war". And all this had resulted from the establishment of the Catholic Association. Naturally, therefore, it was to that Association that the Government directed their eyes. On November 3, 1824, the Duke of Wellington wrote to Peel, then Home Secretary,[1] "If we cannot get rid of the Catholic Association, we must look to civil war in Ireland sooner or later". The King himself also wrote to Peel, that if these proceedings continued, he would no longer permit Emancipation to be considered an open question in the Cabinet; declaring his feelings on that head to be the same as those of his father.

It might have been supposed that the Government would have realised that the movement was now assuming such proportions that it would be impossible to meet it by repressive measures: in point of fact, it took them four years to come to this conclusion. At first they seemed determined to cope with the situation on the old lines. They began with a futile attempt to prosecute O'Connell for one of his speeches which was declared to be seditious. The speech was delivered on December 17th; on the 20th O'Connell was called upon to enter into recognisances for his appearance when called up for trial. He had therefore to abandon his projected visit to London, and the deputation was postponed. But no further result followed. When the trial came on, early in January, the prosecution failed ignominiously, owing to the refusal of the newspaper reporters to give proper evidence against him. The grand jury by a majority of 15 to 8 threw out the bill, and O'Connell returned home in triumph.

Having failed against O'Connell, the Government determined to attempt the suppression of the Association. This was no easy task. O'Connell was an experienced lawyer, and he had taken good care to avoid anything that would lay it open to a charge of illegality. He publicly declared against physical force, or any contravention of the law. Hence the only way to defeat him was to alter the law. In the King's speech, therefore, at the opening of Parliament in February, 1825, we find the following sentence:—

"It is to be regretted that Associations should exist in Ireland which have adopted proceedings irreconcilable with

[1] McDonagh, *Life of O'Connell*, p. 130.

the spirit of the Constitution, and calculated by exciting alarm and by exasperating animosities to endanger the peace of society, and to retard the course of national improvement. I rely upon the wisdom of Parliament to consider without delay the means of applying a remedy to this evil."

The bill was entrusted to Mr. Goulburn, Chief Secretary for Ireland. Its provisions were perfectly general; the name of the Catholic Association did not occur throughout; but it provided that so long as the Act remained in force—which was to be for three years—no political society could hold meetings for more than fourteen consecutive days, nor have a permanent executive, nor collect money. The provision allowing meetings of less than fourteen days was designed to meet the needs of those who claimed the right to organise petitions to Parliament on any subject, for which purpose a fortnight would of course be sufficient. The prohibition of longer meetings, and other restrictions, were evidently aimed at the Catholic Association; but an appearance of fairness was kept up by the fact that it would also affect the "Orange Lodges".

Strange to say, both Canning and Plunkett, usually the staunch supporters of the Catholic claims, spoke in favour of the bill. Stranger still was the reason which Plunkett gave for his action, namely that the Catholic Association was usurping the functions of the House of Commons. "I do not say that it is illegal in the strict sense," he said,[1] "for if it were, the Irish Government would be able to prosecute, and need not have come here for a remedy; but I will say that an Association assuming to represent the people, and in that capacity to bring about a reform in Church and State, is directly contrary to the spirit of the British Constitution. Do I deny the right of the people under this free Constitution to meet for the purpose of promoting the redress of grievances in Church and State by discussion and petition? Most certainly not. Do I mean that they have not a right to form themselves into clubs and bodies? Certainly not. But I do deny that any portion of the subjects of this realm have a right to give up their suffrages to others, have a right to select persons to speak their sentiments, to debate upon their grievances, and to devise measures for their removal, those persons not being recognised by law.

[1] *Annual Register*, p. 27.

This is the privilege alone of the Commons of the United Kingdom, and those who trenched upon that privilege acted against the spirit of the British Constitution."

Mr. Canning spoke equally strongly:—

"Is it possible that any man, looking at the Catholic Association, at the means, the power, the preponderance of which that Association is acknowledged, nay is vaunted, to be in possession—at the authority which it has arrogated, and at the acts which it has done, can seriously think of giving stability and permanence to its existence? Self-elected, self-constructed, self-assembled, self-adjourned, acknowledging no superior, tolerating no equal, interfering in all stages with the administration of justice, denouncing publicly before trial individuals against whom it institutes prosecutions, and rejudging and condemning those whom the law has acquitted, menacing the free press with punishment, and openly declaring its intention to corrupt that part of it which it cannot intimidate, and lastly for these and other purposes levying contributions on the people of Ireland, is this an Association which from its mere form and attributes (without any reference whatever to religious persuasion) the House of Commons can be prepared to establish by a vote, declaring it to be not inconsistent with the spirit of the Constitution?"

In the meantime, the Association held a meeting in the Corn Exchange, Dublin, on February 9—the day before Mr. Goulburn made his motion. At this meeting a petition was drawn up, begging that the Association might be heard in their own defence by counsel at the Bar of the House of Commons, to show why they should not be suppressed. They appointed delegates to proceed at once to the scene of action. It was as members of this deputation that O'Connell and Sheil took their memorable journey to London. They left Dublin in the early morning of Shrove Tuesday, February 15, and notwithstanding a somewhat rough passage, they reached Holyhead early enough to proceed to Bangor the same evening. The following night they slept at Shrewsbury. These particulars are given to introduce the following anecdote, told by Sheil. On the Thursday morning they left Shrewsbury at five o'clock, and arrived at Wolverhampton at eight, with good appetites for

breakfast which they were unable to take owing to its being the season of Lent.

"The table was strewn with a tantalising profusion of the choicest fare," writes Sheil,[1] "every eye was fixed on an unhallowed round of beef which seemed to have been placed on the table to lead us into temptation. But Mr. O'Connell exclaimed, 'Recollect that you are in sacred precincts; the terror of the Vetoists[2] has made Wolverhampton holy!' The admonition (he adds) saved us. We thought we beheld his pastoral staff upraised between us and the forbidden feast, and turned slowly from its unavailing contemplation to the Lenten fare of dry toast and creamless tea."

The deputies reached London in good time on the following day, and were present the same evening in the House of Commons, during the debate on the petition about which they had come. By the courtesy of the Speaker, they were accommodated with seats under the gallery, and needless to say, they were the centre of observation. It was the first time that O'Connell had been within the walls of the House of Commons in which he was afterwards to be such a prominent figure, and we can well imagine how he would have scanned all the surroundings in order to make up his mind, as we are told he did, on the style of oratory calculated to make an impression there, compared with that of the law courts, to which he was accustomed. His comment, however, was blunt: "My opinion of the Honourable House is greatly lessened by being in it".[3] The petition was negatived by the substantial majority of 133,—222 against 89.

The second reading of the bill was carried on February 21 by 253 votes to 107; the third reading four days later by 226 to 96. On March 1 the first reading took place in the House of Lords. On the 4th Lord Carnarvon presented a petition from the Association similar to that refused by the Lower House, and with a like result: it was negatived by 69 votes to 23, and the same evening the second reading of the bill was carried by 146 to 44. On the 7th the third reading was taken without

[1] See *Correspondence of Daniel O'Connell*, by W. J. FitzPatrick, i., p. 95.
[2] Bishop Milner, who resided at Wolverhampton.
[3] *Correspondence of Daniel O'Connell*, i., p. 96.

a division, and on the 9th the bill received the Royal Assent, and became law.

The only satisfaction given to the members of the deputation was an informal assurance that an Emancipation bill was to be brought in early in the session; but although it was commonly understood that Lord Liverpool would not offer active opposition, it was not to be made a Government measure.

There was, however, one measure carried out by the Government, which was the appointment of a Committee of the House of Lords, to inquire into and report on the state of Ireland, politically and socially. This Committee did its work very thoroughly. Among the witnesses called were Archbishop Curtis, Archbishop Murray,[1] Bishop Doyle, as well as O'Connell and Sheil, besides, of course, numerous witnesses on the other side. A long Report was issued in the course of the year, containing much valuable information and other interesting matter; but it is hardly necessary to add that it led to no result.

During the stay which the Irish deputies made in London, they were the recipients of much cordial hospitality. Many parties and dinners were given in their honour, and O'Connell found himself more than once in high company. The English Catholics were well to the fore. Lord Stourton gave a dinner at which O'Connell sat between him and the Duke of Norfolk; and the Duke himself gave a dinner at Norfolk House, on a large and magnificent scale, in honour of the Irish Catholic guests. But the chief event was the great meeting at the Freemasons' Tavern, on Saturday, February 26, at which the deputies were to explain their cause. The meeting was an open one; but the great majority of those who attended were Catholics. O'Connell spoke for three hours. He was himself satisfied with the result. He wrote to his wife, saying, "my mind is at ease, I have, I may tell you, succeeded. I had the meeting as cheering and as enthusiastic as ever a Dublin Aggregate could be. . . . The thing has gone off infinitely better than I did or could expect." O'Connell's success was gained at the expense of Lalor Sheil, who had to speak to a tired and dwindling audience, and was conscious of his failure. But the main object of the meeting was to introduce O'Connell to the English Catholics, and as a whole it was a great success.

[1] Dr. Murray had become Archbishop of Dublin on the death of Dr. Troy on May 11, 1823.

A similar act of cordial sympathy was performed by the ecclesiastical authorities. During the visit which some of the Irish prelates paid to the metropolis for the purpose of giving evidence before the Parliamentary Commission, the feast of St. Patrick occurred. Dr. Poynter organised an impressive service at St. Patrick's, Soho, as an act of welcome. He himself preached the sermon, and afterwards had it printed. High Mass was sung by Bishop Bramston; and in the sanctuary were Archbishop Curtis, Archbishop Murray, Bishop Doyle and other distinguished ecclesiastics.

At this time the first step had already been taken towards the introduction of the promised Emancipation Bill. On March 1, while the Associations bill was still in the House, Sir Francis Burdett presented the usual petition from the Catholics of Ireland, and moved that the House should go into Committee to consider the question. He was supported by Canning and Plunkett, who thus made amends for their action on the Associations bill; and Brougham also spoke on the same side. Peel of course opposed it, as also did Sir Charles Wetherell, the Solicitor-General. On a division the motion was carried by 247 votes to 234. On the House going into Committee, Sir Francis Burdett moved a series of resolutions as the basis of a bill. These were accepted without further opposition and a Committee was appointed to prepare it, consisting of Sir Francis Burdett, Mr. Plunkett, Mr. Canning, Sir John Newport, Sir James Mackintosh and five others.

The draft took three weeks to prepare. During all this time Sir Francis Burdett was in constant communication with the Irish deputies. It is this which marks off this bill from the previous ones of 1813 and 1821, and denotes a new departure. The question of Emancipation had always been substantially an Irish one; but on the present occasion for the first time the Irish Catholics had the chief share in advising on the measure. The first draft was indeed made by O'Connell, who throughout stood in the same relation to this bill as Butler had to that of 1813. And on this occasion, no English Catholics—neither bishops nor laymen—took any part in the negotiations. The first reading took place on March 23, when the bill was ordered to be printed.

It will not be necessary to go into its contents in close

detail. It bore a general resemblance to its predecessors, but the oath which in the case of Catholics was to be substituted for the Oath of Supremacy was sufficiently changed to avoid the expressions which had given offence in the oath of the previous bill, even as amended. The Veto and *Exequatur* were both provided for, but the Advisory Commission, at whose instance only these powers could be exercised, was to consist of Irish bishops, without the presence of a Protestant Privy Councillor. No provision was made for any similar English Commission; for O'Connell seems to have drafted the whole bill as if it were to operate only in Ireland, though this is not definitely stated. As to what would have happened had it become law, we can only conjecture. It is not impossible that the English Catholics would have shared in the relief granted, and have at the same time, owing to the paucity of their numbers, escaped without any veto or restrictive clause.

Although the bill and oath were an improvement on what had gone before, they were not in all respects satisfactory, and the new oath, though it could be taken by Catholics, would not have been altogether palatable to them. Milner, as usual, declaimed against both bill and oath, though he did not take any active steps to oppose them. Nevertheless, the Protestant party were not satisfied with the "securities" as enacted therein, and in order to pacify them and to help the passage of the main bill, two further ones were introduced which became known as the "Wings". The first of these—to use the popular expression—disfranchised the "forty-shilling freeholders"; the limit for the franchise being fixed at property of an annual value of £10. This was aimed as a blow at the ascendancy of the Catholics, to which body the vast majority of the freeholders to be disfranchised belonged. The other was to provide a State allowance for the Catholic bishops and clergy. The archbishops were each to receive £1500 a year, the suffragan bishops £1000, the deans £300, and the inferior clergy £60 to £120, according to age and position. It is not a little remarkable that this was looked upon as a hostile measure. When Bishop Douglass was applying for help from the State during the last decade of the eighteenth century, he looked upon the grant promised—but never received—as a simple benefit. The allowance actually paid to the exiled nuns was

considered an act of generosity on the part of the Government; and so also was the allowance paid for a short time to the Scotch bishops and clergy. And at one time the same view had been taken in Ireland, for the ten bishops who signed the well-known Veto Resolutions of 1799 prefixed a resolution that state aid for the clergy "ought to be thankfully accepted".[1] In truth it was exactly this latter fact which led them in 1825 to view the measure with suspicion, for it was bound up in their mind with the Veto. If the clergy were paid, they would become civil servants, and Government would have a reasonable plea for claiming a voice in the nomination of their bishops. O'Connell agreed to all the provisions both of the chief bill and the wings—including the modified Veto and *Exequatur*, disfranchisement of the forty-shilling freeholders and State payment of the clergy.

The second reading debate was of a very spirited nature, lasting over two nights—April 19 and 21. It centred on the speeches of Canning and Peel. The former spoke in favour of the Catholics with all his former earnestness of conviction. He declared that they were no more from the principles of their faith the subjects of legitimate suspicion than any other Dissenters, and maintained that they should be put on a full equality with the rest of his Majesty's subjects. Peel, in opposing the bill, criticised its various clauses and provisions *seriatim*. In particular he criticised the "securities" offered, giving a sketch of their history. Originally an unrestricted Veto had been proposed; in course of years, this has been watered down and restricted. The securities had, he said, become "small by degrees and beautifully less," till now they were too minute for calculation. In truth to appoint a Commission of bishops to certify to the harmlessness of a bull or brief received by one of their own number, viewed as a "security," has to us now even a humorous aspect. At the end of the debate the House divided, with the following results:—

For the second reading	268
Against it	241
Majority in favour	27

[1] Vol. i., p. 53.

So far everything had gone as well as Catholics could reasonably have expected. Four days after this, however, an untoward event occurred which practically sealed the fate of the bill. This was a speech in the House of Lords by the Duke of York. He rose to present a petition from the Dean and Canons of Windsor against any further concessions to the Catholics. He said that twenty-eight years had elapsed since the question had first been raised, and the consequences to his royal father on that occasion had been very serious. And the Emancipation now demanded was far more complete, for the proposed "securities" had practically disappeared. He ended with a declaration that to agree to Catholic Emancipation would be inconsistent with the King's Coronation Oath, adding the solemn words, "So help me God!"

This speech produced quite a sensation throughout the country. On the following evening, during the second reading debate on the first of the "wings" in the House of Commons, Brougham began a protest against it, until he was called to order by the Speaker, and told to address himself to the bill under discussion. The second reading was passed by 233 votes to 185. Three days later the resolution to proceed with the second of the "wings" was passed by 205 to 162. The third reading of the main bill took place on May 10, and on the same evening the first "wing" was taken through Committee.

On the following day, May 11, the main bill was taken to the House of Lords and passed its first reading. The second reading was moved on the seventeenth by Lord Donoughmore. A long and tedious debate ensued, in which the Prime Minister spoke strongly against the motion. For this he was freely blamed afterwards, for it was said that he had led Catholics to believe that Emancipation would be granted and then failed to support the measure by his influence. Most probably, however, the Lords were influenced against the bill more by the Duke of York's speech than by that of Lord Liverpool. The division was not reached until half-past five in the morning, when the numbers were as follows:—

Contents—	present 84;	proxies 46;	total 130.
Non-Contents—	„ 113;	„ 65;	„ 178.

The bill was therefore lost, and the two "wings" were not proceeded with.

CHAPTER XLI.

THE DOUAY CLAIMS.

In the month of November, 1825, the question of the compensation claimed on behalf of the English Colleges in France for the funds which had been confiscated during the Revolution, after dragging on for over ten years, was at last finally settled. The conclusion arrived at affected not only the Colleges themselves, but also many convents and religious houses for which the decision with respect to the Colleges was taken as a basis. We proceed to review these ten years' negotiations. Of the three college claims that of Douay was far the largest, and hence the whole was commonly spoken of as the Douay Claims.

The figures as first formulated[1] may be divided into two parts. The most important of these, and that around which most of the negotiations centred, was for the French Government and other funds which had been confiscated on the outbreak of the war between England and France in 1793. In the list alluded to these amounted to about £45,500 on behalf of Douay; £20,300 on behalf of St. Omer; and £22,000 on behalf of the Paris Seminary. These amounts were arrived at by capitalising the value of the *rentes*, and included in each case the unpaid dividends ranging over the previous twenty years, which had more than doubled the sum. In the case of St. Omer, it included also the capitalised value of the royal pension of 6,000 livres[2] a year, with all unpaid arrears. There were also three "personal" claims on behalf of Douay, for ecclesiastical education money, which had been kept in the

[1] See Appendix M, where the full details are given. The documents quoted in the present chapter were collected together by Dr. Poynter before he died, and are now among the *Westminster Archives*.

[2] A *livre* was almost equivalent to a franc. It contained 20 *sous*, and a *sou* 12 *deniers*. The smallest coin was 4 *deniers*, worth two-thirds of an English half-farthing which was then in circulation. The coinage of *francs* and *centimes* which is in force at the present day, was introduced by Napoleon.

names of the different bishops. These were £3,200 for Bishop Gibson; £1,400 for Bishop James Talbot (claimed first by his executor, Rev. Richard Southworth, and after his death by Bishop Poynter); and no less than £22,000 for Bishop Poynter as Vicar Apostolic of the London District.

The second part of the claims was for property illegally alienated,[1] furniture destroyed or lost, dilapidations to buildings, etc. They were classed under the general name of "indemnities". They came to a large sum on paper; but it was hardly to be expected that the full amount of such claims would be recovered. Thus, for example, they included rent value for the Colleges and all their properties for twenty years, which they were justified in claiming, but could hardly have hoped to receive in full. Including all these, the total claim for Douay was £63,000 (irrespective of the so-called "personal claims"); and that for St. Omer £37,500.

With respect to the "personal claims," no special difficulty was apprehended, as there was in each case a single individual to claim them. The case of the College funds was different. The College of Douay was not a corporate body. By the terms of the investments, the President for the time being received the *rentes* or dividends, not of course for his own use, but to be expended for the benefit of the establishment. The same consideration held good with regard to St. Omer and Paris. This introduced a new difficulty into the case for compensation. It was easy enough to prove that Dr. Gibson, Dr. Poynter or Dr. Talbot were British subjects, and, as such, they had a right to compensation for the funds in their own names. But when the College claims were considered, it was necessary to show not only that they were English institutions, founded and supported with English money; but also that those who were actually claiming compensation were the legitimate representatives, to whom the money ought to be paid. This introduced many additional questions and complications. The fact that the French Government had regulated the adminis-

[1] In the case of Douay, the country house at Esquerchin, and the properties at Bersée and Coutiche; in the case of St. Omer, the country house at Blandyke. The Paris Seminary had no country house or property, and no price was assigned for dilapidations to the College, possibly because it was still in use for its proper purpose. Such claims were, however, afterwards added.

tration of the establishments for some years through a *Bureau de Surveillance* suggested a presumptive evidence that they, at least, considered them French. This presumption had not been satisfactorily rebutted on the question of the restoration of the buildings to their owners. The restoration had been effected, but the Colleges were still administered subject to the control of the Minister of the Interior. It remained now to be seen whether in the matter of the funds their English character could be established.

Similar considerations held good with regard to the claims made by the other religious houses, belonging to the English. These eventually reached a very large figure. The claim for the Irish Colleges came to over £80,000; for the Scotch nearly £70,000; and there were also claims on behalf of the Benedictines of Douay, and Dieulouart, the Franciscans of Douay, the English College of Lisbon, and nine communities of Nuns.[1] In the case of all these, however, the greater part consisted of "indemnities" such as have been alluded to, and only a comparatively small part was for *rentes*.

We return now to Dr. Poynter's visit to Paris in the winter of 1815-6.[2] In order to secure his object, he took the boldest, and probably the best course, in soliciting an audience of the King, and requesting that in virtue of the *Ordonnance* of January 25, 1816, restoring all the goods of the College, movable and immovable, to their respective owners, the whole of the *rentes* claimed should be inscribed in the "*Grand Livre*," in the names of the claimants, which meant constituting them as part of the French national debt. The King received him graciously. He acceded to his request, and sent an order to the Minister of Finance in this sense. Dr. Poynter, therefore, returned to his hotel under the fond hope that the matter was as good as concluded. He wrote on March 4, 1816, "If I obtain this, we shall be in possession of by far the greatest part of what we are contending for. . . . I shall return satisfied and thank Almighty God for the success. I shall leave others to fight for the indemnities." So confi-

[1] The Benedictines of Ypres, Paris, Cambrai, and Dunkirk; the Poor Clares of Gravelines, Dunkirk and Aire; and the Augustinianesses of Paris and Rouen.

[2] See ii., p. 264 *seq.*

dent, indeed, was he that he wrote to Bishop Gibson to discuss whether it would be better to have the capital in France and draw the dividends, or to sell out—which at that time meant a loss of some 30 per cent—and re-invest the proceeds in England.

But he very soon learned that he had been too sanguine. The Minister of Finance declared that the *rentes* could not be considered as falling under the head of movable goods; hence they did not come under the decree of January 25, 1816, and could not be inscribed as suggested. He said that Dr. Poynter must proceed under the treaty of November 20, 1815, which appointed Commissioners to deal with such claims.

Dr. Poynter was, therefore, forced back to the British Commissioners. This made the outlook less hopeful. They had already raised what may be called the "Corporation difficulty" to which allusion has been made, which they said was aggravated by the fact that the purposes for which the Colleges were conducted were illegal according to English law. It was now manifest that in view of the large number of claims before the Commissioners there must at best be a long delay before the matter could be settled, and the prospect of ultimate success seemed none too hopeful. Dr. Poynter returned to England at the end of April, 1816, leaving the Rev. Francis Tuite in Paris to act for Mr. Daniel. In the month of June Dr. Bew's health began to give way, and he too returned home, leaving Mr. Tuite in sole command. In view of the "Corporation difficulty" it was considered advisable that he should possess an official *status*, so that in the event of the death of Mr. Daniel fresh complications might be avoided. In response to Dr. Poynter's request, Cardinal Litta as Prefect of Propaganda appointed him Coadjutor to Mr. Daniel, with the right of succession on the latter's death. The brief was dated November 30, 1816.

After this nothing of importance happened for more than a year, during which time the Commissioners were proceeding steadily with the consideration of the various claims before them. Quite suddenly, on September 17, 1817, a new royal *Ordonnance* was issued, which once more subjected the Colleges entirely to the French Government. The reasons given were

that the burse-holders had been dismissed without the express permission of the Minister of the Interior, the pensions to the French officers and others had been stopped, no accounts had been submitted, and the *Bureau Gratuit*, still nominally existing, had been disregarded. The decree confirmed the existence of the *Bureau*, and gave them power to require monthly statements of the pupils and burses, as well as of the receipts and expenditure; failing compliance, the Administrators could be removed from their office. The regulations as to burse-holders concerned only the Irish College, as there were no students at any of the English establishments; but the other provisions concerned all the establishments equally. In order to show that the decree was to be enforced, the Rev. F. Tuite was called upon to deliver up his accounts, and he was not allowed to be present at their examination.

The publication of this *Ordonnance* marked a crisis in the prosecution of the claims which Dr. Poynter well realised; for it created a state of affairs under which any compensation received from the Commissioners would be intercepted by the *Bureau*, and would never reach the hands of the English Catholics. This was probably the object in the minds of the French Government for taking the measure. They wished the money to be kept in France and to be expended there, and they fought for that end from this time onward. Dr. Poynter accordingly once more set out for Paris, where he arrived on October 25, 1817. Bishop Paterson was already there, representing the Scotch Colleges—for Mr. Farquharson had recently died—and Dr. Murray followed shortly afterwards on behalf of the Irish.

No redress, however, could be obtained. M. Lainé, Minister of the Interior, invited Dr. Poynter to a private audience, but only to inform him that the *Ordonnance* could not be changed. In reply to Dr. Poynter's expostulation, that the money was British money and had always been administered by the British superiors before the Revolution, he only answered that since the Revolution things had changed, and that in future it must be administered by the French, through the *Bureau*. Upon this Dr. Poynter left the room in high dudgeon, saying: "This *Bureau* has alienated and wasted our property".

He next appealed for assistance to Sir Charles Stuart and also to the Duke of Wellington, who was then in Paris as

Commander-in-Chief of the Army of Occupation, purposing, as he said in a letter to Dr. Smith, to appeal to the English Government "to take our property out of the fire, for in the fire it will be". Both Sir Charles Stuart and the Duke of Wellington promised assistance, but the latter said he would not take the matter up without carrying it through, and it must therefore wait a little; and a few months afterwards the Army of Occupation being withdrawn, he returned to England.

During his stay in Paris, Dr. Poynter drew out a long memorial on the Claims, stating the whole case, for the benefit of the Commissioners. It was dated January 27, 1818.[1] A few weeks later, being unable for the moment to do anything further, he began to think of returning to England. Before leaving he asked for an audience of the King, which was granted to him on April 13. Dr. Murray had had one two days earlier. Louis XVIII. was sympathetic, and said he would do all he could; but he was not able to promise any definite measure. Dr. Poynter, therefore, determined to leave Mr. Tuite in Paris to watch the development of affairs, and himself to return home. On the 24th he called on the Commissioners to take leave of them, and to thank them for their work in the matter of the funds, when he learnt that a most important step forward had been taken. The French Government had decided to pay a capital sum the amount of which was based on a rough estimate to meet all claims. It was to be paid to the Commissioners, and be distributed by them in England. This was the best news Dr. Poynter could possibly have had, for once the money was out of France, the *Bureau* no longer had any power to touch it or to impose conditions of any kind. He could now afford to treat the recent *Ordonnance* lightly, and returned home after all in a contented frame of mind. His hopefulness was confirmed when on April 25, 1818, a new treaty was signed, repeating the former one of November 20, 1815, and arranging that the money should be paid to the Commissioners in the shape of a perpetual annuity of 3,500,000 francs, representing a capital of over 70,000,000 francs[2] in-

[1] See *History of St. Edmund's College*, Appendix G.

[2] Nearly £3,000,000 sterling. The calculation for capitalising the value is taken roughly according to the rate adopted in the first list of Claims, which presumably represented the current rate of that day. A few years later the capital value of the *rentes* had increased somewhat.

scribed in the *Grand Livre* of the French national debt in the names of the Commissioners. These securities, of course, had a marketable value, and could be realised at will.

The three British Commissioners, Messrs. Colin Mackenzie, George Newnham and George Hammond, returned to London in September, 1818. They proceeded to their work in business-like fashion. An Act of Parliament was passed, which received the Royal assent on May 19, 1819, empowering them to examine claimants and witnesses on oath, and to make the awards. The claimants were to be paid in full or in part according as the money received from France allowed. In the event of these being disputed, an appeal was allowed to His Majesty in Council.

The road was now clear for the liquidation of the "personal claims," and those of Dr. Poynter, Dr. Gibson and Dr. James Talbot came up for consideration. The amounts had to undergo revision. On the one hand there were six additional years during which the interest had run since the claims had been first formulated; but on the other hand the amounts had to suffer reduction of over 10 per cent., owing to the depreciation of the French paper currency. And in some instances portions were disallowed. The final amounts passed were approximately £23,500 to Dr. Poynter—this being the largest individual claim the Commissioners had to deal with; £712 to Dr. Talbot; and £3,080 to Dr. Gibson. Of these amounts a first dividend of 55 per cent had been paid by the end of 1820. Another 10 per cent was paid in January, 1822, and 25 per cent the following May, bringing the total up to 90 per cent. This represented over £24,500 in cash, which was at least some result for all the work of Dr. Poynter and his colleagues.[1]

The "impersonal claims," however,—which had been revised and formulated anew[2]—amounted to a much larger sum, and were as before complicated by the "Corporation Difficulty," which led to delay and postponement; and in the meantime events took place in France which had an important bearing on the progress of the work of the British Commissioners.

[1] It is worthy of remark that one of the largest non-Catholic claims was that of Sir John Coxe Hippisley, amounting to over £7,500.

[2] The final figures are given in Appendix M.

During the autumn of 1818 it became known that further intrigues were proceeding among the members of the *Bureau*, who declared that there was not sufficient property at their disposal to administer the colleges as separate establishments. On December 17, 1818, a Royal *Ordonnance* was published, decreeing once more the union of all the different houses, to be administered by the *Bureau*, under the superintendence of the Minister of the Interior. This arbitrary act elicited a joint protest from all the parties concerned, causing a postponement of the execution of the *Ordonnance* for more than a year; but after that it was put into force. On January 30, 1820, Ferris was once more appointed administrator.

Fortunately, however, the progress of this new spoliation did not proceed smoothly. Ferris fell foul of the Baron d'Oissel, the Minister of Instruction, President of the *Bureau*, and was ejected—this time for good. He retired to Soissons, where he died in 1828.

But although Ferris was gone, the *Bureau* was still there and in full activity. In order to raise income, they let the Paris Seminary, in 1821, on a nine years' lease, as a French "*pensionnat*," so that Messrs. Daniel and Tuite had to go elsewhere. The former found a home in the convent of the English Augustinianesses in the Fossé St. Victor, where he spent the remainder of his life. Mr. Tuite took up his quarters in the house of the "Missions Etrangers".

The *Bureau* next continued their attempts to obtain the compensation money. They professed great zeal for carrying out the intentions of the founders, and declared that if the British Commissioners would pay what was claimed over to them, they would see that as many were educated on the funds as formerly, and even promised to increase the number.

The British Commissioners, however, were not ready to deal with claims of any but British subjects, and refused to listen to the *Bureau*. But an unfortunate deadlock was created, when it became necessary on behalf of the claimants to secure from the French Government the necessary papers in order to establish the Douay claims.[1] The French Government refused to

[1] The documents required were three in number: (1) Les Expéditions des Contrats Constitutifs des Rentes; (2) Le Certificat de Piscatory, quant au paiement jusqu'au l'an 7; (3) Le Certificat du Garde des Archives que les dites Rentes n'ont pas été liquidées au tiers.

deliver up these papers. They said that they could only deliver them to the interested parties, that is to the *Bureau* appointed by the King of France to administer the establishments. This answer, the Commissioners contended, was a violation of the Convention; but in order to treat the French Government with all courtesy, they renewed their application, sending to their agent at Paris, Mr. Morier, a memorandum which shows that they were anxious to act fairly on behalf of the claimants. They wrote as follows:—

"In the event of [the French Government] persisting to withhold from the representative of the College now in England the formal and certified copies of the documents, we consider that the proofs already furnished to us by Dr. Poynter, although less formal and official, would probably enable us to supply the absence of the originals; but we are very desirous to act towards the French Government with all proper delicacy and attention in this case, which is the only one in which that Government has advanced any conflicting claim to property on the ground that an Office created by the laws of France and acting under the direction and control of the Government has any interest therein. At the same time we think it would be desirable to impress on the French Commissioners that the sum provided by France under the Convention can only be distributed among persons who are strictly entitled to the designation and character of subjects of his Britannic Majesty.

"Considerable objections were early raised by us to the claim of the College in question on the ground that that College had been so long established in France that the members of it had abandoned their British character and held their property not under any protection from the country of their birth, but under the laws and institutions of the country of their domicile. The representatives of this College urged, however, that the revenues of the establishment were confiscated by the same decree which swept away the property of all other British subjects, and that the persons of the members of the College were exposed to all the rigours and penalties which were at that time inflicted on the subjects of his Majesty, and that thus having shared in the injury, they were entitled also to partake in the remedy.

"With this impression, and putting the most liberal con-

struction which we could be authorised to do on these words of the treaty, 'subjects of his Britannic Majesty,' we have considered Dr. Poynter and the other Catholics who were personal sufferers as objects of the Convention and entitled to liquidation. The King of France has now (as we have been given to understand) created a Board of Administration for the management of the religious establishments, called a *Bureau Gratuit*, and has appointed various persons either born or naturalised in France to administer their revenues. It appears to us that we should be most widely departing both from the letter and the spirit of the Convention if we were ever to make a liquidation in favour of such *Bureau Gratuit*, or of any of the members thereof. We are therefore anxious to receive from the French Commissioners more in detail a statement of the grounds (either from ancient practice or from the original constitution of their establishment) on which they conceive that the King of France is entitled by law to interfere in the management of the College and to direct the mode in which its revenues shall be administered and paid.

"We are also desirous that these Gentlemen should be made fully aware of the difficulty, and as it appears to us at present, the impossibility of our making any award in favour of an Office created in France under the French law, and composed in whole or in part of French subjects, and that it should be pointed out to them that even in the event of the English claimants here being defeated, the '*Bureau Gratuit*' cannot be admitted to liquidation, so that the ultimate result of a contest on this point may be that neither party will receive any portion whatsoever of the indemnity entrusted to us for distribution under the treaty among the subjects of his Britannic Majesty."

The subject of this representation was put before the French Government by Mr. Morier, but no answer was received; and a further application, dated March 27, 1821, remained similarly unheeded. Dr. Poynter then appealed to the Government to request their ambassador, Sir Charles Stuart, to make representations to the French Government. This course was agreed to, subject to the condition that Dr. Poynter would first make a declaration that, in the event of the money being recovered, it would henceforward be spent in England. According to a tradition at St. Edmund's College, Dr. Bramston

as an old lawyer, urged Dr. Poynter not to make any such declaration, as it was really irrelevant, and he distrusted the *bona fides* of the Government in asking for it. Others also shared this view. If the Government are satisfied with the justice of the claims, they argued, what concern is it of theirs how the money is going to be spent? Dr. Poynter, however, most unfortunately as the event proved, took the opposite view, and drew out and signed the following declaration, which was also signed at his request by Dr. Milner and Dr. Smith, and confirmed by Rev. John Daniel:—

"The undersigned declare to his Majesty's Government and to the Honourable Commissioners, that as soon as by their kind interposition and assistance the value of the property of their English secular College, formerly at Douay, shall be restored to them, the whole of it shall be remitted to England as it shall be awarded, shall be placed in the English funds, and be for ever employed in England and not in France, for the proper purposes of its Ecclesiastical destination."

Mr. Daniel set his name to this document with some heartburning. He had never had any confidence in the English colleges, and still looked upon the re-establishment of Douay as the only salvation for the English mission. "Bishops propose so and so," he would say, "but *my* only concern is Douay College." He was, however, too old and infirm to act for himself, and had no alternative but to obey the wishes of those acting on his behalf.

The British Government now made a definite application to the French to be supplied with the required documents; but with no better success than before; and early in August the Commissioners informed Dr. Poynter that the Douay claims must be rejected.

In view of this eventuality, Dr. Poynter determined to make a further attempt himself to secure the documents, and he once more set out for Paris. Before leaving he had an interview with Lord Castlereagh—or the Marquis of Londonderry as he had then become—on August 7. The latter asked for an official notification on the part of the Commissioners that the documents had been withheld. It afterwards appeared that such a notification had been sent him some months before. He was apparently already losing his powers, and five days

after the interview he put an end to himself at North Cray Place, his seat in Kent, by cutting his throat with a penknife.

The death of Lord Castlereagh was a great blow to the prospects of Dr. Poynter; but his successor at the Foreign Office was Mr. Canning, who had always been equally well disposed towards the Catholics, and when Dr. Poynter went to Paris he felt sure of his support. He arrived in Paris on September 2, 1822, and stayed there nearly six months; but he met with no success in regard to the object of his visit. The Baron d'Oissel argued that the Convention only agreed to place the establishments in the same position in which they existed before the Revolution, and renewed his promise to educate as many as before, or even more, if the money was paid to the *Bureau*. He offered to appoint a small Commission to meet others appointed by the English, in order to determine the conditions under which they should be administered—a suggestion which, of course, the British Government could not entertain. Canning wrote a final application to the French Government on January 7, 1823, which, like the others, remained unheeded. Dr. Poynter returned to England at the end of February, having achieved nothing by his journey.

There was now only one course left, which was to appeal to the mercy of the British Government. A week before leaving France, Dr. Poynter wrote to Canning. After explaining all that had happened, he put his plea in the following terms:—

"I throw myself on your generosity and indulgence, and I solicit with confidence the favour that you will be so good as to authorise the Honble. British Commissioners to proceed to the liquidation of my claim in question without the particular documents withheld by the French Government, provided they are satisfied of the justice of my claim from the other documents which I have had the honour to present to them. I flatter myself that the want of the certificates withheld will be found to be only the deficiency of an accidental formality and that the substance of the proof required by the Convention will be found in the hands of the Honble. British Commissioners."

He further pointed out that in the Convention itself the Commissioners were authorised, in default of full documents

proving any claim, to accept such evidence as they deemed satisfactory; and he argued "surely this refusal on the part of the French Government, in violation of the Convention, to grant the certificates called for may be considered as one of those circumstances in which the written proofs may be supplied by such other proofs as the Honble. British Commissioners judge sufficient."

The arguments in this letter appeared to Mr. Canning reasonable, and he agreed to what was asked. Early in March, Mr. Mackenzie, one of the Commissioners, informed Dr. Poynter that they had received orders from Government to proceed to the liquidation of the claims, and warmly congratulated him on the result. We can well imagine Dr. Poynter's satisfaction at what appeared to be at length the successful issue of his labours. "Is it not wonderful," he wrote to Dr. Kirk, "that our Government should now be so indulgent to us, so anxious to save for us that property which our Ancestors sent to France for security, and to be employed in 'superstitious purposes'! Shame to the French Government for refusing me the certificates called for, even when they could not get a farthing by the refusal. A blessing on the English Government for generously supplying the want of them by the orders given by Mr. Canning."

Alas! Dr. Poynter's satisfaction proved premature. On May 7 the Commissioners wrote raising a totally new point, that according to the declaration signed by the vicars apostolic the money was to be applied to what was considered at law as "superstitious uses". They professed to have a scruple about paying it, and declared that they must consult the Crown lawyers, who could not give their attention to the matter until after the long vacation. The sudden raising of this question was the more extraordinary as they had already paid "personal" claims to Dr. Gibson and Dr. Poynter, which money was to be applied to precisely similar purposes, and no question had been asked. We naturally seek for a cause to explain this change of front.

The cause is probably to be sought in the financial state at which the work of the Commissioners had arrived, about which therefore a few figures must be given.[1] The exact

[1] The full figures are given as before in Appendix M.

George Canning

amount paid over by the French Government under Convention No. 7 [1] was 3,645,628 francs of *rentes perpetuelles*. To this has to be added the accumulation of interest which invested produced 908,654 francs. Up to this time, 900 claims had been submitted to them. Of these they had liquidated 505 up to 90 per cent of their value. This had used up 3,373,436 francs of *rentes*, leaving 1,180,842 francs still at their disposal. They had rejected 290 claims, in ten of which, however, notice of appeal had been given. In consequence, four additional cases, which were similar in character, had been postponed until the result of the appeal should be known. This left 101 claims, all ecclesiastical, on behalf of the colleges and religious houses enumerated above. They had been put off to the end in consequence of the refusal of the French Government to deliver up the documents necessary for the Douay claims, on which all the others were to depend. This difficulty had now been waived by the Commissioners, and they were ready to proceed to their consideration.

The amount of these claims, however, seems to have taken them by surprise, and they were faced with the prospect of a serious deficit. The greater part of the funds in their possession had been converted into English Consols; and the actual amount at their disposal was £809,549 of Consols, and 180,846 francs of *rentes*. If the Catholic claims were passed at their full value, they would almost completely absorb the former of these; while should the appeals also be decided against the Commissioners, they would have a very considerable further sum to meet. The possible deficit was estimated by them at over a million sterling. Even allowing for the probability of the Catholic claims being much reduced in value, and the unlikelihood of all the appeals being decided adversely, this was nevertheless a serious prospect to face. Naturally they paused to review the situation, and during the pause, the question of superstitious uses was raised by them.

It would appear, however, that the Commissioners were not without their misgivings in bringing forward this new question.

[1] The Commissioners worked under two Conventions—No. 7 and No. 13. The former of these was the more important, and included all the British Catholic claims. The amount of money distributed under Convention 13 was about £150,000.

When taken to task by Canning, in response to a protest from Dr. Poynter, they answered by raising the question whether the colleges were to be considered as English or French institutions; and they continued in a half-apologetic tone :—

"This statement will, we hope, sufficiently explain the nature of the difficulties which we feel in coming to a decision on this claim, and which, as you will, Sir, perceive, involves other questions beyond that of applying moneys to what in law is denominated 'superstitious uses,' and which Dr. Poynter (to whom we had already communicated the statement) appears to have considered as weighing more with us than it really has done".[1]

They added a few words indicating the real difficulty by which they were confronted :—

"There are, however, numerous other cases" (they wrote), "involving questions which the Commissioners feel themselves at present incompetent to decide, and with which it may hereafter be necessary to trouble his Majesty's law officers. Among these are the cases of Colleges of which the property had originally belonged to the Jesuits, but which at the suppression of that Order were granted under the prerogative of the Kings of France to the bodies which now claim before the Board, and the cases also of many other monastic establishments which were established in France by the laws of that country and are not recognised by the laws of England. The surviving nuns, monks and friars of these establishments are now claiming very large amounts."

The consultation with the Crown lawyers was not concluded until near Christmas. In the meantime the death of Mr. Daniel took place with some suddenness. The following details are given by Rev. J. M. Langau to Dr. Gradwell, in a letter dated October 6, 1823 :—[2]

"I believe [Mr. Daniel] was affected with the cold which proved fatal to him before you left Paris. He died on Friday the 3rd at 8½ o'clock in the evening, and was interred on Sunday in Père la Chaise. Notwithstanding his advanced age, neither his friends nor himself had any idea of his danger a few hours

[1] *Foreign Office Records*, 334 (1823-5) Commissioners of Claims, Paris and London.

[2] *Archives of the English College, Rome.*

before he expired. At seven o'clock in the evening of his death, I had considerable difficulty in inducing him to leave off his breviary. He gave no direction whatever about his papers, the few books and furniture which he left; and by the laws of this country they were all put into a little cabinet and sealed up with the city seals. . . . The nuns paid the expenses of his interment according to the directions of Dr. Poynter."

On the death of Mr. Daniel, the Rev. Francis Tuite succeeded to the title of President of Douay, and no difficulty was made as to the claims on that score.

The discussion between the Commissioners and the Crown lawyers was concluded in December, and Dr. Poynter was invited to hear the award on the 18th of that month. It was one of rejection of the claims in which he was interested, *viz.*, those of Douay, St. Omer and the Paris Seminary; and together with them were rejected also those of the Scotch College and the Blue Nuns at Paris. In view of the possibility of an appeal, as provided for by the act under which the Commissioners worked, they reserved their decision on the remaining ecclesiastical claims pending the result of any such appeal.

The Award of Rejection was formally issued on January 19, 1824, and together with it a "Case in the Support of the Award," drawn up by the Commissioners, in which they put forward the main arguments on which their decision was based. In the first place they declared that in view of the long period during which the Colleges were carried on in France, it appeared to them questionable whether the Superiors could still be considered to be British subjects as intended in the Convention. Secondly, it was doubtful whether the Colleges now had any corporate existence at all. Thirdly, if they had, in any case the claimants could not recover the money in their own individual capacities, but only as trustees for the work of the Colleges. The Board considered that it would not be competent to them to pay over money for the purpose of re-establishing the Colleges in France; and in the existing state of the law they could not pay money for establishing or supporting the Colleges in England, as the purposes for which they existed were considered at law as "superstitious uses".

In drawing up this "case," the Commissioners very courteously consulted Dr. Poynter. He asked for two alterations.

One was that the statement of the bishops promising that the money if recovered should be spent in future in England "for the proper purposes of its Ecclesiastical destination" should be omitted; for he said that this declaration had only been made in order to induce the British Government to take action with the French Government, and was not an integral part of their case. The Commissioners, however, were not at all willing to part with this valuable piece of evidence. Among the "proper ecclesiastical purposes" was a small yearly sum set apart for Masses. Although the amount was exceedingly small, it appealed to the Protestant imagination very strongly as a "superstitious use," and gave a colour to the whole declaration. As a compromise the Commissioners added an explanation of the circumstances under which the declaration had been made.

The other request of Dr. Poynter was that the claims of the three Colleges should be dealt with separately; for they stood on different grounds. In the case of St. Omer especially, the French Government had asserted their control long before the Revolution, when they expelled the Jesuits and handed over the College to the English secular clergy. Indeed, it was a "Royal College," in receipt of an annual pension from the King of France. The President was nominated by the Bishop of St. Omer, subject to the approval of the King. There was therefore some colour for considering it a French establishment; but none of these conditions held good in the case of Douay.

Again, however, the Commissioners did not wish to part with valuable evidence on their side. They contended that all the Colleges in reality stood in the same relation to the French Government, and it was only due to circumstances that the French had exerted their authority more in one case and less in another.

There was now only one hope left, which lay in the possibility of an appeal. A case was drawn out and submitted to Sir James Mackintosh, M.P., a prominent figure in the legal and political life of his day. He gave his opinion on March 25 in favour of appealing. This course was accordingly taken by Dr. Poynter, who acted in consultation with Mr. Prujean, brother of the late Abbess of the Benedictine Community

formerly at Dunkirk, but then at Hammersmith. In addition to Sir James Mackintosh, Dr. Poynter also retained the services of Mr. Fonblanque, known as the Father of the English Bar, and Mr. Ralph Carr, a barrister of some eminence. A comprehensive statement was drawn up to rebut the "Case for the Award," and also to give positive arguments in favour of the claims. On January 17, 1825, the Treasury and the appellants exchanged cases, both of which were lodged at the council office on the following day. Three months after this, both parties were ready to argue the matter out in court.

The appeal was made in the first instance to His Majesty in Council, as provided in the Act of 1819. It was referred by him to the Lords of a Committee of the Privy Council, by whom it was heard in part on June 15 and concluded July 2, when Lord Gifford reserved judgment. He was evidently desirous of going into the matter thoroughly, for he called for Dr. Poynter's Memorial to the British Commissioners drawn out in 1818, and the letters of the Minister of Finance, Mr. D. R. Morier. These were supplied on the 8th, and judgment was expected on the 12th. Their Lordships, however, adjourned on that day till the 23rd, and then postponed judgment until after the long vacation.

Finally Lord Gifford pronounced judgment in the name of himself and his colleagues on November 25, 1825. The following is the material part of his decision:—

"In considering this question, it is necessary to attend to the nature and object of these establishments, and to the intent and meaning of the Treaties under which the indemnity is asked. Now the institutions on behalf of which the Claims are made, although their members were British subjects and their property derived from funds constituted by British subjects, were in the nature of French corporations. They were locally established in a foreign territory because they could not exist in England; their end and object were not authorised by, but were directly opposed to, British law, and the funds dedicated to their maintenance were employed for that purpose in France because they could not be so employed in England; and if other circumstances were wanting to fix their character, it appears that these establishments as well as their revenues are subject to the control of the French Government, and the

conduct of that Government since the restoration of the Monarchy shows that if all had been suffered to remain entire during the period of the Revolution, the Monarchical Government would have taken the whole under its superintendence and management. We think, therefore, that they must be deemed French Establishments.

"Then are such Establishments though represented by British subjects entitled to claim under the Treaties? Treaties like other compacts are to be construed according to the intention of the contracting parties, and looking at the occasion and object of those treaties, we think it was not and could not have been in the contemplation of the contracting parties that the British Government should demand, or the French Government grant, compensation for property held in trust for establishments in France, and for purposes inconsistent with British laws, and which were subject to the control of the French Government. We therefore think that having regard to the nature and character of the establishments which the Claimants allege themselves to represent, and to the purposes to which the property in respect whereof compensation is claimed was dedicated, the Claimants have not brought their case within the meaning or spirit of the Treaties—that the rejection of their claims therefore by the Commissioners was right, and that consequently the Award must be confirmed."

It will be seen that Lord Gifford did not raise the question of the ultimate destination of the money if paid; nothing was said about "superstitious uses," or illegal purposes, except incidentally in order to support the conclusion that the Colleges were to be considered as French establishments; and this decision he gave in the face of the fact that the French ministers had themselves categorically declared that they were British and that consequently the property could only be recovered through the British Commissioners. The judgment practically decided the case of all the other claims on behalf of English religious houses, which were rejected *en masse*.

The disappointment of Dr. Poynter needs no description. Even now, however, he did not finally abandon all hope. The decision seemed to him so manifestly unjust that he could not bring himself to believe that it would be actually put into execution. It was obvious that the French Government had

meant to include the Douay claims, from the amount of money which they paid over. That amount was based only on a rough estimate of what would be claimed, and probably the other claimants did not expect to get the full sum they asked for. Yet now that the Catholic claims were rejected, they were not only able to be paid in full, but a large sum remained over in the hands of the Commissioners.

Under these circumstances Dr. Poynter made one last attempt to obtain some portion of what was left. He drew out a long document, which he entitled "Observations on the Claim of the Rev. John Daniel,"[1] in which he argued the inherent equity of the claim. The only reason that the property had been confiscated at all was that Mr. Daniel was a British subject and that it was British property. The French Government had refused to entertain the claim when made to them because the property was British and referred him to the British Commissioners; and now the British Government refused because they contended it was French. He also argued that both Lord Castlereagh and afterwards Mr. Canning had encouraged him to prosecute the claims and had assumed that they fell under the meaning of the Convention, and had urged the Commissioners to proceed with their examination, the only points raised having been as to the evidence in support of particular claims. Early in February, 1826, he had an audience of Lord Liverpool, who referred him to the Lords of the Treasury, promising that his application should receive careful consideration. He therefore drew up a petition, which he presented on February 11, together with a copy of the "Observations".

"I represented" (he writes[2]) "that I had expended about £2,000 in the prosecution of this claim from the beginning, including the £1,200 incurred by the Appeal to the Privy Council; that I had been encouraged by the British Government itself to follow up this claim with the British Commissioners, and I concluded with a call on the Lords of the Treasury to indemnify me at least for these expenses, and I hoped also for something handsome on the body of the claim."

[1] Printed in *Catholic Magazine* for February and March, 1831.
[2] To Dr. Kirk: *Westminster Archives.*

Dr. Poynter also wrote to Canning on April 7, 1826, in the following terms:—

"I must own that I feel the stroke severely which for such reasons as are assigned has deprived the English Catholic clergy of property probably exceeding one hundred thousand pounds. . . . If the letter of the cruel law is still pointed against us, I was in hopes that no hand at the present time would have seized it to give us such a wound: I will hope that this wound will be healed by the compassionate hand of his Majesty's Government. The large surplus left in consequence of the rejection of my claim is at the disposal of the Lords of his Majesty's treasury; I will hope that a spirit of equity will move their Lordships to grant me relief. I beg to solicit your kind attention to my case with full confidence in your sense of justice and known benevolence."

This letter was resented by Canning. He answered through his secretary that Dr. Poynter had in his Observations drawn an unwarranted inference from his acts. "The assistance which Mr. Canning gave, and willingly gave," he wrote, "for the purpose of bringing to a hearing the claim which forms the subject of your letter, is assumed to imply an opinion on the part of Mr. Canning in favour of the justice of that claim. Mr. Canning directs me wholly to deny that implication. He neither pronounced nor formed any such opinion. He had not the means of forming any opinion upon the merits of the claim. It was not his business to do so. It was his duty to abstain from doing so."

In his reply Dr. Poynter wrote:—

"If by citing Mr. Canning's name in the sense here explained I have displeased him, I am sorry for it. But I had that confidence in his liberality and humanity that I thought I could invoke him without offence in a case in which I have experienced the severity of the letter of a law which I had thought was softened down by a milder spirit of equity and toleration."

Finally, on May 4, an answer to Dr. Poynter's appeal was delivered, stating simply in official language that the claims having been rejected by the Commissioners and the Privy Council, the Lords of the Treasury could not take it into consideration.

The above extracts from Dr. Poynter's letters show what a heavy blow the decision was to him. He attributed it wholly to the fact that the claimants were Catholics. "£120,000 have been denied to us," he wrote to Dr. Kirk: "If Douay College had been a Protestant establishment in France, and had suffered the same loss as we have suffered, the whole amount would have been awarded to the establishment. Justice is therefore denied us because we are Catholics."

The Commissioners concluded their work by paying the remaining 10 per cent on the claims which had been allowed, and Dr. Poynter received a further dividend of about £2,400 on the so-called "personal claims". Thus all the successful claimants were paid in full. But a large balance appears to have remained in the hands of the Commissioners. In their last report, on August 4, 1826, announcing the conclusion of their labours, they omit their customary summary, and the exact sum left over does not appear; nor do they say how they propose to dispose of it. Various traditions about this point have existed among Catholics, as, for example, that it was expended either in paying the debt on the Brighton Pavilion or in furnishing Windsor Castle.[1] The question was raised in Parliament more than once; but no satisfactory explanation was ever given. All that we can say is that no part of it ever reached Catholic hands. The whole story would appear almost incredible at the present day; yet the main facts have never been denied; indeed they could not be, in view of the documents quoted above. The disappointment after all his labours is said to have shortened Dr. Poynter's life, and at this we really cannot wonder; but we may fairly express surprise that the British Government could have allowed so flagrant a miscarriage of justice, which public opinion would never have tolerated but for the fact that the claimants were Catholics.

[1] See *Catholic Magazine*, February, 1831, p. 53; Gillow, ii. p. 15; *History of St. Edmund's College*, p. 237; and elsewhere *passim*.

CHAPTER XLII.

ILLNESS AND DEATH OF BISHOP MILNER.

TOWARDS the end of the year 1824, Milner's health began to break. He was not much over seventy, and he did not suffer from any disease; but it would appear that the inherent strength of his constitution and the hard active life which he had led caused his faculties to fail rapidly when once they began to give way.

He was occupied with his pen up to the end. In December, 1823, he published an article in the *Catholic Miscellany*, defending the genuineness of a miraculous cure recently worked at the Convent at New Hall, and in the early months of 1824 he wrote further in the same periodical, defending some miracles which were reported from Ireland, against an article in the *Edinburgh Review* entitled "A Complete Exposure of the late Irish Miracles". He afterwards published these under the title of "The Exposer Exposed". In the number of the *Miscellany* for June, 1824, an article appeared from his pen against a scheme for the re-union of Churches, of which the author was no other than Bishop Doyle of Kildare. This whole episode is so remarkable that it calls for rather more extended notice.

There is nothing very new in a scheme for re-union: there have been several such in the past, and we have seen at least one in our own day. But it is probably correct to say that Dr. Doyle's scheme is the only one in modern times which has ever been put forth by a Catholic bishop. The occasion which gave rise to it was a speech by the Chancellor of the Exchequer, Mr. Robinson, afterwards Lord Ripon, the father of the well-known convert of the Victorian era. He had said in his speech that it was much to be desired that the Catholic and Protestant Churches should be re-united. Dr. Doyle took up the idea

and declared that this was the only true road to the solution of the Irish question. He wrote to the Chancellor of the Exchequer in that sense, maintaining that such re-union was quite feasible. "It is pride and points of honour which keep us divided on many subjects," he said,[1] "not a love of Christian humility, charity and truth"; and he added, "the Catholic clergy would make every possible sacrifice to effect a union. I myself would most cheerfully and without fee, pension, emolument or hope resign the office which I hold, if by doing so I could in any way contribute to the union of my brethren and happiness of my country." He even enumerated the points which would have to be discussed, which were, "the Canon of the Sacred Scriptures, Faith, Justification, the Mass, the Sacraments, the Authority of Tradition, of Councils, of the Pope; the Celibacy of the Clergy, Language of the Liturgy, Invocation of Saints, Respect for Images, Prayers for the Dead".

It would certainly appear to us that this list would have been formidable enough to have shown the impossibility of the scheme; for many of these questions could not have been approached by a Catholic in any real spirit of compromise. Some of them indeed—as questions of the celibacy of the clergy and the language of the liturgy—are matters of discipline and might admit of compromise in special cases; but all the others involve matters of principle on which it would be impossible for the Church to give way. We may take as an example the suggestion put forward by the Rev. Mr. Newenham of Gloucester with regard to the supremacy of the Pope. He said that, "a large majority of the Church of England would readily concede to him such an authoritative primacy among Christian Bishops as should not in any respect be inconsistent with the existing laws of the land, the spirit of the Constitution, or the King's supremacy in ecclesiastical concerns of a temporal nature." This proposition is in many respects similar to those proposed in our own day by leaders of the High Church party who are anxious for "re-union"; but in truth an "authoritative primacy" subject to limitations could never be accepted by Catholics as defining the position of the Pope; it could not indeed have been made even a basis of discussion. Similar remarks might be

[1] *Life of Bishop Doyle*, i., p. 331.

made of other headings given by Dr. Doyle. He himself was aware of this. "I am too good a Papist," he said, "to compromise anything; and if I sought to do so, there is not an old woman or a young child in the diocese who would not see my error and abandon it. No good can ever come of compromise, and the nature of truth is to be unchangeable, and not to ally itself with error."[1]

Nevertheless Dr. Doyle was hopeful. He declared he could "frame a bill not so long as the Declaration of Rights" which would bring about the desired effect; and he took the trouble to draw out a long list of quotations of well-known Protestant writers, approving of individual doctrines distinctively Catholic.[2] He repeated once more:[3] "the articles or dogmas of faith about which we differ are few. They are chiefly matters of discipline and religious forms and usages which induce us to quarrel with each other." "The doctrinal decisions of the Council of Trent," he added, "could be received by the English Church without any considerable violence being done to articles of faith, and a parallel could be drawn between those decrees and articles which would make the matter obvious to the most slender capacity." He then proceeded to make the most of possible concessions on matters of discipline. "As to the Canons of discipline enacted at Trent," he said, "they might or might not be received in England; indeed many of them are perfectly inapplicable to her, and a substitute for others might be found in our Acts of Parliament."

The position of Dr. Doyle in Ireland caused his suggestions to be considered with greater respect than they would have received from any other quarter. Dr. Magee, the Protestant Archbishop of Dublin, went into the whole scheme at great length. The Provost of Trinity, Dr. Sadlier, called on Archbishop Murray to discuss the matter. But the Archbishop did not encourage him, and the other bishops and the Irish Catholics for the most part realised the impracticability of the scheme.

It is hardly necessary to say that Milner from the first opposed any project of reunion.[4] He called Dr. Doyle "a very young Prelate," and wrote a long letter to the *Catholic Miscel-*

[1] *Life of Bishop Doyle*, i., Appendix, p. 344.
[2] *Ibid.*, ii., p. 526. [3] *Ibid.*, i., p. 345. [4] See Husenbeth, p. 496.

lany for June, 1824, under the name of "A Catholic Pastor," denouncing the whole scheme. He spoke of the "high character of the proposer as a Prelate of our Church," and as a writer, "celebrated for the splendour of his talents and especially for his political sagacity," and said that in consequence "the unadvised proposal of the young Prelate is not barely useless and inexpedient, it is also wrong and productive of mischief"; adding that "as among the laity there must unavoidably be many persons ill-informed, or comparatively indifferent about the doctrines and interests of their religion, a proposal of the present nature accompanied with a prospect of great civil benefits attending it, cannot fail of setting them at work to devise what parts of the Catholic religion they can respectively give up, and what parts of the Protestant system they can adopt, in consideration of such temporal advantages, with the certainty of producing internal enmities and divisions among themselves, and with the greatest danger of their stepping into the fatal gulf of heresy or schism."

We have seen how, as Milner's health began to fail, he obtained the nomination of Dr. Walsh as his coadjutor. He announced the appointment at the annual clergy meeting on April 25, 1825. The consecration took place at Wolverhampton on May 1. Bishop Milner was, of course, the consecrating prelate; he was assisted by Bishops Smith and Penswick. All the other vicars apostolic and their coadjutors were present, eight bishops being thus assembled—a larger number than had ever been together since the Reformation. The occasion thus served to effect a formal reconciliation between Milner and his colleagues. After the consecration a meeting of bishops was held at Sedgley Park at which, on the whole, harmony prevailed. The only jarring note was struck when Milner raised the question of the restoration of the Jesuits. He obtained no satisfaction, and might have been better advised to have left it alone. All the bishops except Dr. Collingridge afterwards proceeded to Oscott, where they held a further meeting before they separated.

Notwithstanding this formal reconciliation, Milner's feelings towards Bishop Poynter do not appear to have been much softened. His disapproval of that bishop's policy and methods was too deeply rooted to be so easily removed. A further

occasion for him to express his criticism occurred in the autumn, on the question of the loss of the Douay funds, for he had by that time made up his mind that there was little chance of saving the money. In a letter to Dr. Kirk dated from Caverswall Castle on September 20, 1825, he speaks as follows:—[1]

"I have lately received what I consider as a notice of the probable loss of the immense property (some rate it at £120,000, others at £200,000) belonging to the secular College and lodged in the French funds. My claim to a share of this for the Middle District has been virtually acknowledged by Dr. Poynter. . . . But observe, though he made himself my Attorney, he never once consulted me about the proper mode of proceeding in this important affair, and never so much as informed me. Now I utterly condemn the line of conduct which he followed, and if the money is lost, his wrong politics will have been the cause of the misfortune. The case is this. The money was placed in a Catholic fund because our Government confiscated as superstitious all foundations made for the support of our religion which it can lay hands on. Hence when the question was about transferring a vast sum of money to English Commissioners, for them to divide it among the English claimants, Dr. Poynter's business was to protest against this as far as we are concerned, and to represent that it was lodged with a Catholic Government because our own is and ever was hostile and unjust to English Catholics; and I should expect that through his connections with Louis XVIII. and the French Bishops, he might have succeeded in securing our share by leaving it in France. Instead of this, he always made common cause with the Protestant claimants; his court was always paid to Castlereagh's brother, Sir Charles Stuart, the Ambassador, and he was reproached by the French Ministers with endeavouring to transfer the property to England."

Dr. Kirk communicated this criticism to Dr. Poynter. When, therefore, the apprehended misfortune took place, the latter wrote to Dr. Milner on November 28, 1825, explaining what had really happened.

"I have heard" (he wrote[2]) "that your Lordship has expressed an opinion that this claim ought to have been made on the French Government, but not through the English Com-

[1] *Westminster Archives.* [2] *Ibid.*

missioners. I beg leave to inform your Lordship that in 1814 I did make a claim for the property of Douay College directly on the French Government, but to no effect. The case was that the question of making restitution to British subjects for their property confiscated in the course of the Revolution was then a matter of treaty. The treaty and Convention of May, 1814, and November, 1815, being settled, it was no longer a matter of choice which way to pursue. However, in 1816, Archbishop Everard, Bishop Cameron and myself obtained an *Ordonnance* of the King of France to put the superiors of our English houses in possession of what property was left, not sold nor confiscated. This was granted and in the *Ordonnance* we were referred to the Commissioners appointed to execute the Treaty and Convention, for compensation for the rest. . . . The answer given me from the French Treasury was that they could not restore the value of the funded property without a specific order to that effect. I obtained an order from the King of France to Mr. Corvetto, the Minister of Finance, to transfer in the French Bank books the value of our lost funded property to Mr. Daniel. The Minister said that this order could not be executed because Mr. Daniel was a British subject, and consequently could not be indemnified but through the Commissioners appointed to execute the Treaty and Convention made between the two Governments. I produced that official answer from the French Treasury to this effect, duly stamped, etc., when our cause was pleaded before the Privy Council in June last. This funded property constituted the bulk of our claim. Hence, my Lord, you may see that I did apply to the French Government at the beginning, and that in 1816 by a second application I endeavoured to get this property out of the hands of the Commissioners, but that it was impossible, and that Mr. Daniel was referred to the Commissioners as the only means of recovering the value of the property of Douay which had been confiscated. I never should have been willing to subject our property to the power of those who might refuse to give it to us under the pretence that it is destined for superstitious uses."

Whether Dr. Milner ever read this letter, we cannot say: at least it made no impression on him, for in his answer there was no expression of sympathy or regret at the failure of so

many years of hard work on Dr. Poynter's part, but simply a repetition of his charges. That answer was the last letter of any importance that he ever wrote to Dr. Poynter: we may therefore be excused for giving it in full:—[1]

"My Lord,

"I am honoured with your Lordship's letter giving me an account of the loss of the English Catholic property in the town of Douay, which event, however afflicting it is, has been always expected and foretold by me from the time that I learnt that instead of leaving it on its true and just foundation of money funded in a Catholic country for the support of religion in an heretical country attempts were made to identify it with the speculating and commercial property of the latter country, which by its laws confiscates all the former property. It was easy to foresee that such men as Castlereagh, Sir C. Stuart, Bathurst, Liverpool, Eldon, Peel, etc., instead of aiding our cause in good earnest would use the most effectual means to ruin it. On the other hand, the justice and piety of our cause, aided by the advice and influence of the French Bishops and clergy, who had so many and such great obligations to us, was sure to preserve the interest at least of our demands, had we been content to leave the principal in France. However, the whole of it is now gone, without the hope of recovery (for the proposal of appealing from the Council to the President of the Council is evidently illusory), and my only consolation is that I was never once consulted in the business, nor so much as permitted to know the outlines of it. Had I been consulted, I should certainly have advised as I have intimated; but as the matter is now decided, it signifies nothing giving your Lordship the trouble of transcribing the documents, numerous and verbose as they necessarily must be, relative to it for my use. But, my Lord, the chief and the practicable object of this letter is to represent to your Lordship that the money late in the French funds being lost, this District has in my opinion a strict right to a third part of the unappropriated property belonging to the English secular clergy still subsisting elsewhere, such as the funds of Douay College in the nomination of the President, lodged in the Bank of England, the funds of the

[1] *Westminster Archives.*

Paris Seminary, the money belonging to St. Omers College lent to Old Hall Green, the produce of the Triple Trust instituted before there were Vicars Apostolic, ditto of the funds in the nomination of the Chapter. To these claims I must add that of nominating a third part of the students at Rome, etc. True it is Mr. Gradwell offered to receive a certain number of students at my nomination, but then he required that they should have completed their humanity studies and be ready to enter on that of Philosophy, which was equivalent to the proposal of breaking up Oscott College, which hitherto has been the only resource for recruiting the Pastors of this District, and which at the present time in particular is found quite inadequate to the purpose, there being several congregations in it destitute of pastors.

"I have the honour to remain, my Lord, with due respect,

"Your Lordship's most faithful

"✠ J. MILNER."

"WOLVERHAMPTON, *Dec.* 1, 1825."

The shaky and almost illegible handwriting of the above letter gives evidence of the failing health of the writer. He had in fact not many months of life before him. During the following spring the Jubilee which had been kept in Rome in 1825 was, according to custom, extended to the whole world. It was half a century since there had been anything of the kind, as the disturbed state of European politics had prevented any observance in 1800. Only those now in old age were able to remember the last Jubilee. Milner wrote a short pastoral in explanation of it, which was his last printed publication. He also signed the petition to be presented to Parliament in 1826; but did so with difficulty. This letter, addressed to Mr. Rosson, an Irish barrister who was acting with Mr. Blount, was the last he wrote on public affairs, and it shows his own characteristic views uppermost to the very end. It runs as follows:—[1]

"DEAR SIR,

"It is well known that I have objections to swear and even to profess *undivided* allegiance to his Majesty, not as allegiance is of itself, which means nothing more than the duty which a subject owes to the Prince or State under which he

[1] *Westminster Archives.*

lives (see Johnson), but as it is explained by Lord Liverpool and as it is gathered from the laws of the country, which invest the King with the power of excommunicating or cutting off from the body of Christ and of reforming all heresies, etc., and therefore of judging of them: but as Lord Liverpool seems to have given up his objections in his remark on Lord Darnley's speech; and as Protestants of the Establishment no less than the Dissenters deny the King the power in question, and the nation at large confine their idea of allegiance to civil duty, I can reconcile it to my conscience to profess undivided allegiance to his Majesty, and in consequence have signed the parchment, which I hereby return to you.

"I am, Sir,

"Your faithful and obedient servant,

"✠ J. MILNER."

"W'HAMPTON, *March* 14, 1826.

"P.S.—With respect to the expediency of making common cause with the Dissenters, as is done in the Petition, and the utility of petitioning the legislature at all in the present circumstances, I exercise no judgment whatever, but refer myself entirely to the laity of our Communion.

"P.S.S.—Henceforward you will be pleased to address yourself on all public business to Dr. Walsh."

The last words of the postscript of this letter, no less than the letter which he had written the previous day to the Abbess of Caverswall[1] shows that the Bishop realised that the end of his life was not far off. The following short account of his last illness, written by his coadjutor and successor, Bishop Walsh, appeared in the *Catholic Miscellany*, May, 1826:—[2]

"Early in the month of March, Dr. Milner, whose health appeared to be rapidly declining, felt convinced that his dissolution was near at hand. On my entering his room, I think it was on the 6th of that month, he presented me a paper on which he had written, in a few short words, his epitaph, containing a simple request that the faithful would pray for his soul. He then directed me to examine, without loss of time, certain documents relative to the affairs of the district, as well as to his temporal concerns, that he might be quite free to give all his thoughts to God. He immediately entered into an edi-

[1] Husenbeth, p. 517. [2] P. 384.

fying retreat, as a preparation for death, on which he conversed with the utmost composure. From that time till he breathed his last on the 19th of April, during the whole of a lingering illness, he gave repeated proofs of the most affecting humility, charity, lively faith and resignation. There was not a shadow of complaint. His only regret seemed to be not suffering more for the sake of his Divine Master, whose image was constantly before his eyes.

"On Maundy Thursday [March 23], feeling much weaker, he requested the Holy Viaticum to be administered to him, which he devoutly received on his knees, in the presence of his domestics, and of several members of the Wolverhampton congregation, of whom he begged pardon for all the disedification he might ever have given, by harsh expressions or any other way. On the following Saturday, with equal fervour, he received Extreme Unction. After that period he twice had the happiness to nourish his soul with the Blessed Eucharist, a sacrament towards which he had ever entertained the most tender devotion.

"During his illness Dr. Milner was perfectly sensible. He was exceedingly grateful to those who read prayers by his bedside, or who tendered him any little service; but he seemed much pleased to be left in silence to his own meditations, and to keep himself in spirit, as he intimated, at the foot of the cross. The world was under his feet; his conversation was truly in heaven.

"During the course of my ministry, dear Sir, I have attended several persons on their death-bed; never did virtue appear more amiable, never did religion seem to afford more solid consolation on that awful occasion than in the last moments of the deservedly lamented and of the truly just Dr. Milner."

During his illness Milner's thoughts naturally turned back over past times and the history of Catholic affairs with which he had been connected. He gave directions that a small legacy of £5 should be paid to each of the other vicars apostolic as a sign of goodwill, and he wrote an apology for whatever he might have done amiss, to be published or not at their discretion after his death.[1] In reading this most touching

[1] *Westminster Archives.* The other vicars apostolic apparently thought it wiser not to revive controversies of the past, and the document was never published.

document we cannot fail to be impressed with the deep religious feeling of the dying bishop, and his courage in making amends for his faults while there was yet time, coupled, however, as always, with the full conviction that he had throughout been right in substance and that his only fault was his violence of expression. He wrote as follows:—

"Whereas divers pious and judicious priests and other Catholics have taken offence at the heat and violence with which I have defended the cause of orthodoxy and truth, especially since the year 1810, I hereby beg pardon of God and of them, and especially of my Episcopal brethren and of the other Catholic clergy as far as I have been guilty of the same, acknowledging that pride has been at all times predominant in my character and conduct.

"At the same time I think it my duty to proclaim that my intention was always upright in my public conduct [towards] the enemies of the Church, and that this conduct was always right in itself, except perhaps when I listened to Sir John Hippisley, the agent of Lord Castlereagh, who endeavoured to procure for an a-Catholic sovereign an influence in the appointment of Catholic Bishops and thereby throughout the British Catholic body; but even then my intention was right, as I thought I had conditioned for restraints on the royal Veto which would have prevented its ever being abused.

"W. H., March 18th, 1826,

"J. MILNER."

"Be ye prudent as serpents, but simple as doves."

On April 11, Rev. Francis Martyn wrote: "I had the happiness of receiving [Bishop Milner's] blessing for myself and my flock on Friday last. His Lordship is quite free from any pain and continues to look well in the face, though quite helpless, and he sleeps a great deal. His last scene is truly edifying."

A week later Dr. Walsh wrote as follows:—

"I am writing by the bedside of my venerable superior Bishop Milner. I do not think he will survive the end of this week. His humility, his charity, his lively faith and resignation to the Divine will are truly edifying. He is quite sensible, and expects his approaching dissolution with the utmost composure."

On the following day, April 19, Dr. Walsh had melancholy occasion to write again:—

"My late venerable superior Bishop Milner breathed his last at about half-past two o'clock this day."

It was the day of the annual clergy meeting at Sedgley Park. Some thirty priests were assembled and about to sit down to dinner when the news reached them. They went to the chapel in silence and offered a prayer for their deceased bishop.

The funeral took place at Wolverhampton on April 27. Being prompted no doubt with the wish to bury past differences in oblivion, Dr. Walsh not only invited Dr. Poynter to the funeral, but asked him to preach. He wisely declined; for however ready he was to make peace in the fullest sense, it would have been manifestly impossible for him to enter sympathetically into the career of one who had consistently written against him for over fifteen years; while to the clergy who were devoted to Milner he would naturally not have been a welcome figure. Indeed the isolation from his brethren which had been the accompaniment of the greater part of Milner's episcopate seemed to suggest that a purely domestic funeral would be most appropriate. The Mass was accordingly celebrated by Bishop Walsh and the sermon was preached by Rev. Francis Martyn. Milner was laid to rest on a spot chosen by himself outside the church at Wolverhampton.[1]

Here then we take leave of one who by the common consent of all, friend and foe alike, was recognised as having left a more lasting impress on English Catholicity than any one of his day. Those who have read the foregoing pages will have had such abundant opportunities of forming a judgment of his work and writings that it is not necessary to add much here. His lot was cast in turbulent times when the need of a redoubtable champion to stand out on behalf of principles of ecclesiastical discipline and policy which were in danger, was of paramount importance; but his greatest admirers could not but regret the rugged and intolerant language which seems

[1] His body remained there for some fifty years. At the end of this time it had to be exhumed in order to extend the church. Advantage was taken to open the coffin, when the body was found perfectly incorrupt; but the atmosphere soon affected it, and before the coffin was closed again, a change had already come over it. The late Canon George Duckett of Wolverhampton, who superintended the removal, has described these facts in presence of the writer.

to have been inseparable from anything he wrote,—language often ill becoming the dignity of the episcopate. Looking back after a long interval we must all feel grateful to him for the courage with which he fought against the Cisalpine and worldly principles which were asserting themselves among the laity, and for the part which he took in helping to defeat the Emancipation bills of 1813 and 1821, clogged as they were with objectionable restrictions. Nevertheless it is impossible for us to shut our eyes to the fact that the price paid was a high one; for it involved continual dissensions for nearly twenty years among the Bishops of England and Scotland, who but for Milner would have been a most united body, and a state of acute tension for several years between the English vicars apostolic and the venerable Hierarchy of Ireland, not to mention the division of the whole Catholic body into two parties, with consequent mutual ill-feeling and contentions. Milner's orthodoxy has never been called in question; but his colleagues, who were combating the same evils as he was, by what they at least considered—rightly or wrongly—to be more prudent methods, were no less orthodox—a fact which he seemed to forget, or rather, which he frankly disbelieved. Hence he continually attributed unworthy motives to them, saying for example on one occasion that they all pursued the *utile* and he alone sought the *honestum*. This attitude of mind must be taken as an explanation of actions and writings of his which in the case of others would be considered grave offences against charity. Moreover, he seemed to have a firm practical conviction that the whole world was ill-using him. He had grievances against every one, from the Holy Father downwards, with the inevitable result that he fell out at one time or another with every one with whom he came into contact, not even excepting Dr. Troy and the Irish bishops.

But after all, to say that Milner had faults is only to say that he was a man; and the readiness which all alike displayed after his death to let the former dissensions be forgotten is proof enough that they appreciated the great qualities of mind and character which showed themselves in his actions, and still more in his writings.

CHAPTER XLIII.

THE "NEW CATHOLIC ASSOCIATION".

THE failure of Sir Francis Burdett's bill in 1825 was felt as a bitter disappointment in Ireland. The clergy and people had fully made up their minds that the time for emancipation had at length come, and they had cheerfully acquiesced in the suppression of the Catholic Association, having understood that there was a tacit compact that this repressive measure was to be accompanied by the entire abolition of the penal code. The repressive measure had been carried, the "wings" had been agreed to by their own deputies in London, who had been given a chief share in drawing out an Emancipation bill, and now that bill had been thrown out.

The news reached Ireland on the morning of May 20. The following letter from Archbishop Curtis to Bishop Poynter will convey some idea of the intensity of the disappointment felt:—[1]

"DROGHEDA, *25th May*, 1825.

"MY DEAR AND HON^D^ LORD,

"I know not where I could seek or expect to find consolation, sound advice and fraternal sympathy in this awful moment more confidently than in your Lordship's piety, experience and characteristic goodness of heart, of which yourself, your venerable Coadjutor and edifying Clergy have latterly in London afforded my Confrères and me such and so many convincing proofs as must for ever remain deeply impressed on our grateful recollection.

"I doubt not your Lordship's truly pastoral and compassionate heart is now smarting under feelings that have so deeply wounded my own, with those of the whole Catholic body and many others of this country that have seen with utter disappointment, dismay and irritation not alone the

[1] *Westminster Archives.*

unexpected rejection of the Catholic Relief Bill by the Lords, but still more the intolerant and repulsive sentence pronounced from a high official quarter, of the eternal reprobation and exclusion of that boon, unless we renounce the Religion we profess, which it declares incompatible with our Emancipation. And all this decisive anathema daringly founded on the weak, clumsy repetition of the same old and often convicted bigotry that canting innovators have been for ages croaking in their native mud. How could the Premier have adopted, and publicly avowed such delusive sentiments? He who was distinguished for his manly, fair and statesmanlike line of moderation, even in his former speeches against us. And how could a noble Marquis[1] venture to pronounce in the House his savage challenge to Irish Catholics to rebel, as this was the desirable moment to fight them?

"It is not so much a refusal of Emancipation that I deplore as these horrid denunciations and infuriate insults, calculated and seemingly meant to irritate and drive a too warm and high-spirited people to despair, and to fatal extremities, which, however, it is now and ever shall be our unceasing care, as it is our bounden duty, to engage them to avoid, by every lawful means in our power. And we have every reason to hope, with the Divine assistance, we shall be able to restrain the great mass of the people; but it is absolutely impossible to answer for the effect which the irritation already alluded to, if continued, or not mitigated, may produce on the refractory or less amenable part of the community.

"This is a consideration, my Lord, that gives me great uneasiness, and be assured that the challenging Marquis and others like him calculate very ill when they imagine that the Irish, however ill treated, insulted or oppressed, must and will be quiet, because they feel themselves unable to resist the overwhelming force that can be employed and sent to coerce them. For experience shows that the ungovernable party above mentioned take no such views of precaution, but act precipitately, and if under experienced leaders and due regulations (no impossible or very difficult supposition) might go very far. A Washington or a Buonaparte are recent and very striking proofs of this.

[1] The Marquis of Anglesey.

"Hence I beg leave to suggest to your Lordship to recommend if possible to some of our powerful friends there to employ their influence and get something done in the present session of Parliament to soothe and counteract the dangerous feeling produced by the violent measures so rashly resorted to. I could apply to nobody more proper than your Lordship for that salutary purpose. Our friends Drs. Murray and Doyle are, I suppose, no longer in London; we have been expecting them here for some days back, but I do not know that they are yet arrived.

"May I venture to pray your Lordship kindly to unite my unfeigned thanks to your own, which I am sure you will present, to the beneficent and worthy members of both Houses of Parliament, for the truly patriotic and able support given by them to the bill intended for our relief. I could wish to mention with a particular degree of gratitude the recent exertions of the most Noble the Marquis of Lansdowne, of his Grace the Duke of Devonshire and of Earl Grey, who have done themselves and the cause they so strenuously advocated immortal honour. I beg also that, when convenient, your Lordship will have the goodness to remember my humble respects to the generous and kind Duke of Norfolk.

"I cannot conclude without expressing to your Lordship how much I am edified at your kind condescension in assisting at Wolverhampton with all the R. C. Prelates of England at the consecration of my venerable old friend the R. R. Dr. Milner's Coadjutor Bishop—a seasonable display of Christian unanimity that has been universally admired. May the Almighty reward your pious zeal in promoting it.

"I have the honour to remain most sincerely,

"My dear and honoured Lord,

"Your faithful and devoted humble servant,

"✠ P. CURTIS."

After the rejection of the bill, Daniel O'Connell stayed in London for some days, being occupied in the courts. He returned to Ireland in the first week in June. It was a critical moment in his political life. The Irish people were ready to throw the blame of their disappointment on him[1] He had

[1] Wyse, i., p. 218 *seq.*

agreed to the obnoxious "wings"; to the disfranchisement of the forty-shilling freeholders; to making the Irish clergy a department of the Civil Service; and even to some kind of a Veto. Moreover, he had been so confident that Emancipation was to be passed that he had treated the Irish people somewhat lightly, and had not even told them of the contents of the "wings," but left them to learn it from the newspapers. Was this, they asked, what was to be expected from their own deputy?

On his return to Dublin, on June 1, he was met by a number of his friends and supporters, when he landed from the packet at Howth, and driven in a triumphal procession to his house in Merrion Square. This was of course meant as a demonstration, and the fact that it was thought necessary to organise it illustrates the fact that his position was not secure.

But O'Connell rose to the occasion, and not only re-established his position among the Irish people, but in truth began from this time the forward movement which was to end in victory. An aggregate meeting was held in St. Michan's Chapel in North Anne Street, on June 8. O'Connell delivered an address in which he said nothing of the past, of "securities" or "payment of the clergy" or "disfranchisement" of any one. He spoke only of the future, of the re-founding of the Catholic Association in some manner that would evade the "Algerine Act"; of other ways of making the voice of the people heard in such a way that it could not be resisted. The truth was that the Government having refused to emancipate the Catholics, the Catholics began a movement to emancipate themselves. Before O'Connell had finished speaking, the people were as enthusiastic for him as ever. Sheil also was present and spoke. He and O'Connell became the leading members of a committee appointed by the meeting to devise a plan of action. This committee determined on measures which we must now proceed to describe.

In the first place they prepared a scheme for a "New Catholic Association," the avowed objects of which were to be the support of education and charity, the promotion of public peace, and generally "all purposes not prohibited by law". Any person could become a member by payment of £1. Assemblies were to be held in every place of importance

throughout the country, for purposes avowedly political; but they were to be nominally independent of the central organisation, and in each case were to dissolve within the fourteen days prescribed by the "Algerine Act," only to reassemble in a year's time. By aid of these temporary assemblies the Catholic Rent was re-established, and having been collected, was duly forwarded to the agents of the Association. All the world knew that the whole thing was a screen, and that the old Association had been to all intents and purposes re-established. But what was being done evaded the letter of the law, and Parliament having been prorogued before the "New Catholic Association" was in working order, no fresh legislation could be passed at least for the time.

The plan worked successfully. The meetings throughout the country created a sense of power and restored confidence. The very contraband nature of the organisation inspired a new enthusiasm congenial to the nature of the people. The Government having failed once, wisely refrained from interfering a second time either by legislation or otherwise, and the Association became a greater power than it had ever been before.

The next proposition was to prepare a religious census of the whole country. This idea was due to Sheil. Nothing he thought could be more calculated to impress the British Government with the strength of the Catholic population, the more so as the figures had been so freely distorted by their opponents. With the machinery at their disposal, the work seemed as though it could be easily accomplished. The Catholics would own themselves as such, being in full sympathy with the movement: any one who refused to answer would be classed as a Protestant.

Unfortunately, it proved a harder matter than had been foreseen; or else it was not prosecuted with sufficient vigour; for after three years, according to Mr. Wyse's figures,[1] hardly more than a quarter of the country had been completed. The figures of the relative strength of the Catholics and Protestants in the results achieved were remarkable enough. In Connaught and Munster there were twenty-one Catholics to every non-Catholic; in Leinster there were eleven; and even in so-called Protestant Ulster, the Catholics numbered two to one.

[1] *History of Catholic Association*, i., p. 250.

Turning now to the less exciting doings of the English Catholics, we find that they were by no means inactive, though in truth they were now falling into the background of the contest. When O'Connell was marshalling his forces in Ireland and the whole nation was up in arms, the annual petition of a handful of English Catholics, however influential, appears but a fruitless performance. Nevertheless, it will be well, in order to consider the subject from all points of view, to follow their doings.

It was in the year 1825, very soon after the rejection of Sir Francis Burdett's bill by the House of Lords, that signs showed themselves of a wish among a certain number of the Dissenters to join cause with the Catholics. From an historical aspect this seemed natural, for both had suffered, and still continued to suffer, at the hands of the Established Church. This aspect had been uppermost in the minds of the Dissenters in 1791, when their representative in the House of Commons, Mr. Smith, declared that the one subject which would unite all the Dissenters together was sympathy with the Catholics. From a religious aspect, however, one would not look for so much sympathy between two bodies whose tenets were so different and even in some respects opposed to one another. In our own day, now that there is freedom of worship for all, the latter feeling has unfortunately asserted itself pretty generally. In the year 1825, the Dissenters were divided: some were moved by the historical considerations, others by the dogmatical. This state of affairs is emphasised by the following resolution passed at a meeting of the British and Foreign Unitarian Association held at the London Tavern on May 26, 1825:—

"Resolved unanimously

"That the members of this Society eagerly avail themselves of the earliest opportunity afforded to them of conveying on the part of the Unitarian Dissenters of England to their fellow-Christians of the Roman Catholic persuasion, their thorough disavowal and disapprobation of the petitions lately presented by persons calling themselves Protestant Dissenters against the repeal of those intolerant laws which disgrace their country's name, their sorrow at such stigma having to any extent been attached to a body of which they have been proud to form a part, their sympathy and good wishes in favour of every effort to break the chains imposed by

interested or short-sighted policy upon the sacred rights of conscience, and their unshaken determination on all occasions to vindicate for others that freedom which they claim to be their own inalienable right, and to uphold and maintain the impolicy, injustice and oppression of every sort of disability or exclusion on account of differences in matters of religion."

This action of the Unitarians was no doubt gratifying to the Catholics; but it introduced a new source of disagreement into their counsels, which had already shown itself before Milner's death; for some wished to join forces with the Dissenters and petition on the broad basis of religious toleration, while others considered that Catholics would weaken their case by so doing. This led to considerable divergence a little later on.

In the Spring of 1826 a pamphlet appeared under the title of *A Letter to the Duke of Norfolk*, by Sir Robert Horton, M.P. for Newcastle-under-Lyme, in Staffordshire, and Under-Secretary of State for War. Though a friend to the Catholics, he found fault with the Oaths and Declarations they had used in the past, as vague and wanting in accuracy; and he called for a new Declaration of their beliefs which might be considered authoritative. A correspondence followed between him and Charles Butler, and eventually the leaders of the British Catholic Association came to the opinion that some such document would prove of service. Being anxious to avoid past errors, they decided to petition Dr. Poynter to draw up a Declaration similar in character to that issued a short time before by the Irish bishops.[1] Dr. Poynter consented, and in the course of a few weeks a new Declaration was prepared and printed. It was a simple and straightforward statement of Catholic doctrine, free from the Gallican or any other controversial tendencies which disfigured the "Protestation and Declaration," of 1789, and written in a style well calculated to remove Protestant prejudice. Incidently the Bishops disclaimed any "pretended right to the property of the Established Church in England," which they declared to belong to those on whom [it is] settled by the law of the land. The Declaration ran to sixteen pages, and was signed by all the bishops of England and Scotland.

[1] *Catholic Miscellany*, March, 1826, p. 117.

The Declaration was received with all respect by the members of the British Catholic Association. They added an "Address to their Protestant Fellow Countrymen," which also they printed, and appointed a deputation consisting of the Duke of Norfolk, his son the Earl of Surrey, Lord Clifford and Mr. Edward Blount, who waited on Lord Liverpool on June 7, and presented him with the two documents. In addition to this they had no less than 100,000 printed for gratuitous distribution, and an official copy engrossed on parchment and deposited in the British Museum, so as to supplant the Protestation of 1789 as the official declaration of Catholic principles to be handed down to posterity.

Further action was postponed in consequence of the dissolution of Parliament on June 2, and the issue of writs for a new election, returnable on July 25. In England the election was not marked by any particular incident. The Catholic question was spoken of by many of the candidates, but it did not cause any great outburst of feeling, and the public excitement during the progress of the election was less than had often been the case before.

In Ireland, however, it was otherwise, and the election of 1826 was a turning-point in the history of the country. For it was at this election that the "Forty-shilling Freeholders" began to rise in revolt against their landlords. They had been entrusted with the franchise since 1793, and it seems strange to us now to imagine why they had never used it independently before. It requires some knowledge of the state of the country and the people to furnish a satisfactory answer. Mr. Wyse says[1] that "the freeholders still *belonged* to their respective landlords, and did not even conceive the idea of acting out of the range of this dependence, for themselves. They were, so far as their franchise or its exercise was concerned, mere serfs." It was the movement for self-emancipation that was to bring this state of things to an end.

Yet at first, with all the weight of property, influence and tradition against them, it seemed an unequal battle. The contest arose first at Waterford, through a local quarrel. The representation of the county had been for generations the property of the Beresford family: the candidate at this election

[1] i., p. 267.

was Lord George Beresford, brother to the Marquis of Waterford; and an unopposed return was expected on this as on former occasions. But this was to be so no longer. He was opposed by Mr. Villiers Stuart, a relative of the Duke of Devonshire, and always a staunch friend of the Catholics. The chances of success did not seem at first at all rosy. O'Connell was early on the scene, but was not hopeful. On the nomination day, one of the freeholders nominated O'Connell himself. This led to a scene of wild enthusiasm, and gave him the opportunity of making a long and telling speech of over two hours' duration. But he knew he could not sit, and he did not take his nomination seriously, but forthwith resigned it. Nevertheless, it is said to have been this unexpected incident which caused him to think out the problem afresh, and induced him to accept the candidature for Clare two years later.

The contest at Waterford proceeded with vigour. The clergy at first hesitated. The elder and more conservative of their numbers seemed afraid of the new movement; but the great majority eventually threw themselves into it, and if they did not lead it, they at least joined with and encouraged it.[1] When the polling began, they used their influence to restrain any angry passions which might have exhibited themselves, and, in fact, the most perfect order was maintained. Four thousand troops were out, ready for immediate action in the case of rioting; but their services were not required. As the poll proceeded, it became evident that the new movement was to score a triumph: before the end of the fifth day Lord George Beresford felt himself hopelessly beaten, and retired from the contest.

The news caused a sensation throughout the country. It was not the single result at Waterford which made the importance of what had happened, but the certain prospect which it held out of the Forty-shilling Freeholders elsewhere emulating the same example. There was something almost pathetic in the consideration that these small freeholders had been in many cases created by the landlords themselves, who had allowed their tenants to become owners of their small potato gardens, rated at £2 a year, for the very purpose of giving them votes, so as to make their own seats in Parliament more secure. Now the machinery they had created was used against

[2] Wyse, i., p. 229.

themselves. Nevertheless no exception could be taken to the action of the freeholders. If they possessed votes, it was obviously their duty to use them in accordance with their consciences, and with what they believed to be the best interests of the country.

The example set by Waterford was at once followed in such other centres as remained yet to be polled, and with no less startling success. At Louth, Monaghan, Westmeath, and elsewhere the landlord candidate lost his seat which he had deemed absolutely secure, although his rival had entered the field only a few days before. It was evident with a little time and organisation the greater part of the representation of Ireland could be won by the nominees of the Catholic Association. Hence the next general election was looked forward to with confidence, and it was clear that whenever it came it would mean the complete victory for the Catholics, unless in the meantime special measures were taken to meet the danger. Such a measure would be the raising of the franchise, which would disqualify so large a number of the Catholic electors.

Any measure of this kind would of course require the assent of Parliament; hence it was most important to ascertain on which side the majority of the new House of Commons would be. Notwithstanding the few sensational victories in Ireland, the Catholic cause did not gain appreciably by the election. In England several lost their seats for having voted in favour of the Catholics, and these had to be taken as a set-off against the gains in Ireland. Moreover, even those gains did not always involve a transfer of voting power, for in some instances —as for example at Waterford itself—the defeated candidate had been accustomed to vote on the Catholic side.

One other measure was possible. The landlords could evict the tenants who had voted against them, and fill their places with others. In our own day, the eviction of a tenant on account of his political or religious opinions would be considered an act of flagrant tyranny. It was not necessarily so in 1826. In itself the desire of a landlord to surround himself with tenants of the same political opinions as his own is not immoral, provided that he treats the out-going tenant with due consideration and humanity, and that the latter will be able to find employment elsewhere, and not be faced with starvation.

In Ireland these conditions were not fulfilled. Most of the tenants had been born and bred on the estate; they had no means to move elsewhere, even if there had been any prospect of a livelihood for them. In evicting them under such circumstances the landlord acted inhumanly, for he practically turned them out of work. The writer in the *Annual Register* admits[1] that "if the landlords of Ireland had used the full powers of ejectment which they possessed, the condition of the lower class of tenantry would have been calamitous." But he does not deny that "in some instances the power was exercised".

We should rather say that the condition of the tenantry would have been calamitous but for the action of O'Connell. It was chiefly for the protection of the Forty-shilling Freeholders that he established the "Order of Liberators" from which his own popular title has been taken. There were three grades of honorary distinction. One act of real service to Ireland qualified for membership; two acts made a man a Knight Companion and so on. A fund was set on foot under the name of the "New Rent," for the aid of those who had been evicted; and when this fund was found insufficient, by the influence of Sheil, the old Rent was applied to that purpose. In this way many of those who were evicted were able to retain possession of their little freeholds. Thus incidentally the power of the Association was increased. "Like every other attempt to repress the advancement of the cause," writes Mr. Wyse,[2] "the persecution of the landlords but added a new impetus to its progress. The landlords themselves at last admitted the justice of this assertion. They dropped off one by one from the unequal conflict, and came into terms of arrangement, through the intervention frequently of the priests, with their own tenants."

The new Parliament met on November 14, and the British Catholic Association proceeded to prepare their customary petition. At this stage the difference of opinion, whether to join with the Dissenters or not, asserted itself. The draft petition contained the following two paragraphs:—

"That we have declared, and we again declare, that we bear no animosity to individuals of any communion, sect or party, that we embrace all our countrymen and fellow-subjects, what-

[1] P. 173. [2] i., p. 296.

ever be their religious denomination, as friends and brethren, that we most sincerely and fervently wish to see them all united in the participation of every right and blessing which we solicit for ourselves.

"That a concession to us of any boon not possessed by any other denomination of our fellow-subjects would render our enjoyment of it imperfect. With an ancient writer of our communion we say, 'neither breathing nor the use of common air is more due and common to all than ought to be the liberty of conscience to Christian men, whereby each one liveth to God and to himself: and without which he struggleth with a constant lingering death'."

Dr. Poynter objected to these clauses. He said "the Catholic Bishop who should sign this petition would declare that he is not content with being allowed to teach the doctrines of the Trinity, of the Divinity of Christ, or of the necessity of Baptism, unless the Unitarian be allowed to preach against the Trinity, the Socinian against the Divinity of Christ, or the Quaker against Baptism". And he added: "It is not politic for Catholics to make common civil cause with Dissenters in petitioning for Emancipation. Catholics stand on high grounds which cannot be shaken. By making common cause with the Dissenters they expose themselves to the danger of falling with those whose claims are weakened by their anti-social principles." In this view he was followed by at least two of the other vicars apostolic. The Association agreed to omit the second of the two paragraphs; but the first remained. In the end, the vicars apostolic refused to sign, saying that they had signed the Declaration which could be shown to any one, and ought to be enough. This decision they conveyed in a joint letter dated January 23, 1827. It was signed by all the Bishops of England and Scotland except Bishops Paterson and Baines, who were both at that time in Rome, Bishop Paterson on business, Bishop Baines in consequence of a serious break-down in health which even threatened to cut short his life.

On March 5, 1827, Sir Francis Burdett moved that the House should go into Committee on the Catholic question, and his motion gave the looked-for opportunity of ascertaining the opinion of the new House of Commons. A very large number of petitions against any concessions were received.

The speakers in favour of the Catholics included Canning, Brougham and Plunkett, the last named being still Attorney-General for Ireland. They were answered by Peel, Goulburn and others. The voting was very close. The result was: Ayes, 272; noes, 276. Majority against the motion 4.

The result of the debate, however, was thrown quite into the background when it was learnt that the Prime Minister, Lord Liverpool, had had a paralytic stroke which would prevent him from continuing in office. He had held the post of Prime Minister for fifteen years, during all of which period the Catholic question had been steadily agitated, without success. There was known to be diversity of opinion in the Cabinet, and the Ministers had only been kept together by the dominating personality of the Prime Minister. He had been uniformly opposed to all concession, and his wishes had gained the day. It is no wonder, therefore, that the Catholics looked upon his resignation as the end of one era and the opening of another which could not be worse for them and might be better.

But when the question of electing a new Prime Minister came to be discussed, they had still more reason to be interested. Once more the Catholic question was the dominating factor. It was clear to most people that Canning was the proper person to be chosen; but he had always been a supporter of the Catholics, and in view of the King's strong views in the opposite sense it was thought hardly proper that he should be appointed. Yet people asked themselves is a man to be perpetually excluded from the premiership simply because he is a supporter of the Catholics? This would be a form of penal law, not on the Catholics themselves, but on their friends.

With respect to the difficulty about finding an alternative, we can quote the following summary from the *Annual Register*:—[1]

"Everything conspired to point out Mr. Canning as the future Minister. The anti-Catholic party could not select from among themselves any candidate who could claim the vacant office on equally popular grounds with the Foreign Secretary. The Lord Chancellor [Lord Eldon] and the Duke of Welling-

[1] P. 93.

ton might be considered as positively disqualified, the one by his age and official situation, and the other by his military character. Mr. Peel alone enjoyed that sort of weight and reputation which ought to belong to a Minister; in him a great portion of the community, and that not the least respectable or influential, reposed perfect confidence; and he was in fact the official leader of the anti-Catholic party. But then Mr. Peel was a much younger statesman than Mr. Canning, as well as a less brilliant debater."

When the King first sent for Canning, it was only to ask his advice. The original idea was that if he could suggest a nominal head for the new Government in the House of Lords, he could himself continue to lead the Lower House, and in that case he naturally would not insist on his views as to Catholic Emancipation. To the surprise of the King, Canning took an opposite line. He said that in view of the known wishes of his Majesty in opposition to the Catholic claims, he thought that the only satisfactory solution would be to have a Government unanimous on that side; and that he was willing to retire if such a Government could be formed. He admitted that there were grave difficulties in the way of forming one, but thought that they were not insurmountable.

Under these circumstances, the natural person to turn to was Lord Eldon. He was accordingly deputed to form a Government. He tried and failed, the chief reason of his failure being Peel's refusal to join him. The King had then practically no alternative but to name Canning as Prime Minister. But Canning's views about the Catholic question were known, and it is hardly to be wondered that nearly half the Cabinet at once resigned, including the Duke of Wellington, Peel, Lord Eldon and Earl Bathurst. In announcing these resignations to the King, he again offered to retire; but his Majesty decided in the opposite sense. He eventually succeeded in forming an Administration, but only by the help of some of the Whigs. Chief among these were Brougham and Sir Francis Burdett, who had both been prominent in speaking and voting in favour of the Catholics. When the Cabinet was formed, it appeared that twelve out of fifteen were in favour of Emancipation. The highest hopes were entertained, and the order went forth from O'Connell to desist from agitating, as there was now a

Prime Minister friendly to their cause. The Catholic Association for the time ceased to meet.

After a short recess, Parliament met on May 1, by which time the new Ministry had been formed. During the remainder of the session the Catholic question was not raised, and doubts already began to be expressed whether the new Ministry would be as favourable to Catholics as had been anticipated, when once more the situation underwent a complete and sudden change by the unexpected death of Canning. His health had been infirm for some time past, but it is probable that his end was hastened by the disappointments he met with in his Premiership. He found himself deserted by those to whom he would naturally have looked for support, and dependent for his power on his former opponents. He retired for change of air to Chiswick: there he died—in the same house in which Fox also had died—on August 8, 1827.

The crisis this time was of short duration. Mr. Robinson had recently been called to the Upper House with the title of Lord Goderich. At the request of the King, he accepted the office of Premier, and tried to keep the Ministry together. He never appeared likely to be successful for any length of time, and in the event his Ministry lasted only seven months. The period has, however, a curious interest for English Catholics, for it was during that time that the Prime Minister's son and heir was born in the official residence at Downing Street, and this was no other than Lord Ripon, who has been alluded to as the famous convert of our own times.

In regard to the events of the day, however, Lord Goderich's Ministry did not play an important part. He has been spoken of as "a transient and embarrassed phantom" flitting across the scene, and his appointment was evidently regarded only as a temporary measure in order to postpone the immediate crisis. The Duke of Wellington resumed command of the army, which he had resigned on Canning's appointment; but he did not re-enter the Cabinet. The inevitable crisis arose on the resignation of Lord Goderich early in 1828; but the account of the results to which it led must be reserved for another chapter.

CHAPTER XLIV.

LAST YEARS AND DEATH OF BISHOP POYNTER.

It is probable that Bishop Poynter did not realise the full significance of the political events described in the last chapter, and before the results fully developed themselves his own hour had come, and he had passed away. Before describing his end, a few words will be in place concerning the internal events relating to his district which occurred during the last year or two of his life.

His grand vicar during this period was the Rev. Francis Tuite, whom he recalled from Paris for that purpose. His presence there was no longer needed. For as soon as Lord Gifford's judgment had been given, and it had become clear that no money would be forthcoming in respect of the suppressed English Colleges, the French Government had no longer the same object in keeping a close grasp on the property, and they soon came to terms with Dr. Poynter, as they had already done with the Scotch authorities. The *Bureau* was dissolved, and the "Fondations Anglaises," as they came to be called, fell under the direction of the Minister of the Interior, who undertook always to appoint an English ecclesiastic as Administrator. Naturally the first Administrator to be appointed was Mr. Tuite himself. But he did not find it necessary to remain in France, and, in his absence, he delegated his functions to the Archbishop of Rheims, who was already administering the Scotch property.

On his return to England, Mr. Tuite took up his residence in Dr. Poynter's house in Castle Street, while Dr. Bramston lived by himself at 15 Tavistock Street, Bedford Square. There was only one assistant secretary at Castle Street, and the staff was quite inadequate to the ever-growing work. Mr. Tuite declared that his duties often occupied him from six

St. Mary's, Moorfields

o'clock in the morning until after ten at night, and Dr. Poynter himself was continually complaining of the accumulation of his correspondence, with which he could not keep pace. Yet he was not the man to spare himself so far as work was concerned. During his episcopate he took two short holidays, one of a few weeks after he resigned the Presidency of St. Edmund's in 1813, the other six years later when he stayed for a fortnight at Weston Underwood with the Dowager Lady Throckmorton, soon after the death of Sir John. With these two exceptions he rarely if ever put aside his daily work until his last illness was upon him. Writing to Dr. Kirk, who had conveyed an invitation from Mr. Butler of Pleasington, he alluded to the continual pressure of his work :—

"It gives me pain," he wrote,[1] "not to be able to comply with the very strong invitation of Mr. Butler, but in my present circumstances it is *impossible.* I really want a little rest, and I *feel* the want of it as much as any post-horse in England can feel it; but I cannot take it now, and I do not know when I shall, before I go to what I hope for, *requiem æternam.*"

His several visits on episcopal business to Durham, added to his long weary stays in Paris, his journey to Rome, and more than one "visitation" to the Channel Islands, supplied him with change of scene, and notwithstanding that he was always at work during them, they to some extent filled the place of more regular holidays. During the time which we have now reached, when there was a lull in Catholic affairs, he contrived to give a certain amount of time to literary work, and early in 1827 he published his book on *The Evidences of Christianity*, which he had written at intervals during the years he had spent at Douay and Old Hall. The book was well received, and went through two editions, besides being translated into Italian and French.

No new churches were opened in London during the last few years of Dr. Poynter's life. It would appear as though the great effort which resulted in the building of St. Mary's, Moorfields, had exhausted the energies of London Catholics for a time. They found that church sufficient for any gathering due to special occasions, such as the *Requiem* for the deceased Pope, or the High Mass of Thanksgiving on the appointment of his successor.

[1] *Birmingham Diocesan Archives.*

A curious incident has to be recorded with respect to that church. The celebrated musician Carl von Weber, died while on a visit to this country, on June 5, 1826, at the early age of thirty-nine. As he was a Catholic, it was proposed that he should be buried in the vaults under the church at Moorfields. The occasion was a singularly pathetic one, and all the best musicians residing in London offered their services in order that the funeral might be conducted on a scale worthy of the occasion. It was proposed to sing Mozart's *Requiem*, which, as is well known, had been written on his death-bed and performed first at his own funeral: he had died at the age of thirty-six; Weber was only three years older at the time of his death. An influential committee was formed to carry out the arrangements, and the date of the funeral was fixed.

In making these arrangements, however, they were reckoning without their host. When Dr. Poynter heard what was proposed, he took exception to the whole idea, as being too much of a theatrical display. Nearly all the singers who had volunteered were Protestants, and it was expected that the greater number of the congregation would also be Protestants, and would come chiefly to hear a unique musical display. Dr. Poynter therefore put his foot down and insisted on two restrictions. The choir was to be limited to twenty performers and the ordinary congregation were not to be excluded, so that any of the subscribers would be able to claim their seats that day.

These conditions of course defeated the object of the proposed celebration. The committee then conceived the strange idea of singing the *Requiem* as a kind of sacred concert or oratorio, and for this purpose they applied for the use of St. Paul's Cathedral. It was pointed out that there would be abundance of space there to accommodate the public; and that as soon as the sung *Requiem* was over, the body could be removed to Moorfields, and the burial service be performed there privately, or without singing. Strange as this idea sounds, it seems that it was not altogether unacceptable to the Catholics of the day. They would not have considered Mozart's *Requiem* in St. Paul's as constituting a religious service, and therefore did not object to it on religious grounds, while the interchange of civilities with the dignitaries of the Established Church was considered to tend toward the softening of religious prejudices.

It is not indeed likely that Dr. Poynter or any of the leading clergy would have taken this view; but many among the laity did. The Dean and Chapter of St. Paul's, however, very properly decided that the *Requiem* being distinctly Catholic would be out of place in a Protestant Cathedral.

The committee therefore had no alternative but to agree to Dr. Poynter's conditions, and it was arranged to have the funeral at Moorfields. The procession through the streets started in the morning of June 21, 1826, at half-past nine, from the house of Sir George Smart in Great Portland Street, where the death had taken place, consisting of a hearse drawn by six horses, followed by no less than sixteen mourning coaches, arriving at Moorfields at half-past ten. The church had been draped throughout, and all the usual accompaniments of a solemn *Requiem* were provided. Ten professional singers were chosen to assist the ordinary choir of the church, and the *Requiem* of Mozart was sung by them, with full orchestral accompaniment. Needless to say, the church was crowded, but all the regular subscribers were given access to their usual seats, and the greater part of the congregation were Catholics. After the Mass, the coffin was deposited in the vaults with the usual Catholic rites.

One other incident connected with Dr. Poynter's pastoral work calls for notice: he had the happiness of seeing Dr. O'Conor reconciled with the Church.[1] O'Conor had appealed to Rome about 1820 against his suspension by Dr. Poynter, but obtained no satisfaction. Towards the end of the year 1823, his health was failing and he made a stay in Bath, in order to take the waters. During his residence there, Dr. Baines made an attempt to bring him to his duties, but without success. In November, 1824, his health was becoming rapidly worse, and he dictated a letter to Rev. Mr. Corbishley, the nearest priest to Stowe, in the following terms:—[2]

"STOWE, *20th Novr.*, 1824.

"DEAR SIR,

"Having had a very bad night, and feeling my strength rapidly decaying, I feel it my duty to apply without further

[1] See vol. i., p. 145.

[2] This and the following letter are among the *Westminster Archives*.

delay to the most contiguous Catholic clergyman for the rites and sacraments of the Catholic Church.

"I enclose my last printed letter to Dr. Poynter, from which you will see that I disavowed from the very beginning the doctrines imputed to me, a fact which invalidates all the subsequent proceedings against me. I repeat now that in points of doctrine I abide by the decisions of the Council of Trent, and that in point of discipline I abide by the Gallican Catholic explanation of the Trent discipline, as set forth by Fleury, Natalis Alexander, Gerson, and other most orthodox Catholic divines.

"With these assurances, under my own hand, I do not think that you can, consistently with your duty as a Catholic clergyman, refuse me the benefit of my Religion, in such circumstances of danger to an immortal soul, especially when you consider that these benefits are Rights purchased by the Redemption.

"Wishing you many happy years,

"I remain very sincerely your obedient humble servant,

"CH. O'CONOR."

To this letter Mr. Corbishley sent no answer, nor did he offer his ministrations. On December 13, Dr. O'Conor dictated a letter to Dr. Poynter, placing himself in his hands. Dr. Poynter replied by requesting the Rev. John Fletcher to visit O'Conor, instructing him, as a last resort, if he could not obtain a better statement from him, to accept his letter to Mr. Corbishley as a sufficient retractation to repair the public scandal, and leaving all else in Dr. Fletcher's hands. The rest can be given in the latter's own words, from a letter to Dr. Poynter dated December 27, 1824:—

"I wrote to Dr. O'Conor, offering to him my services. He immediately replied, requesting me to come over to him on the Thursday, but entreating me at the same time not to bring with me a spirit of altercation, but to come as an Angel of Peace.

"Accordingly I went over on Thursday. As I was pretty well satisfied with his explanation of his creed, I thought it perhaps better to take with me the kind of spirit he asked for, and not to require any further retractation. Wherefore after saying together the *Veni Creator*, I at once proceeded to hear his Confession. Here I can only say this: that I perhaps never in the course of my ministry met with greater docility, nor with

more feeling expressions of sorrow. . . . Wherefore, thinking him really sincere and penitent, I of course absolved him."

During the following year Dr. O'Conor's health recovered sufficiently to enable him to resume his studies. He published the second volume of his great work *Rerum Hibernicarum Scriptores Veteres* in 1825; and the third and fourth volumes the following year; but by that time his mind was giving way. In the summer of 1827 he was removed to a lunatic asylum; but he was found to be quite harmless, and was allowed to retire to the family seat at Belanagare, where he died on July 29, 1828.

Another work of Dr. Poynter's of a domestic character, was the institution of the Annual Retreat for the clergy. Hitherto the regular clergy had had systematic methods in force by which those engaged in missionary duties could make a Retreat at proper intervals. The regulations enforcing this had been the subject of considerable discussion during the latter half of the eighteenth century; but the difficulties which then existed practically disappeared when the monasteries and religious houses on the Continent were transferred to England; and by the time we are now concerned with, the Retreat question for the regulars had been put on a permanent basis. With respect to the seculars, however, no arrangement had been thought of to put a periodical Retreat within their reach.

This defect was remedied in the summer of 1826, when Bishop Poynter received his clergy at St. Edmund's College for the inside of a week for the purpose, with very pleasing result. "I had great consolation from our retreat, which I hope to repeat every year," he writes; "I send the Professors out to serve for missionaries who come to the College for their Retreat." The clergy themselves felt that they were growing into a homogeneous corporate body, and that feeling was a source of strength; while the fact that the bishop presided strengthened the bond of union which was now growing up between him and his clergy. Moreover, the example set by Dr. Poynter was soon followed elsewhere, and the Clergy Retreat became an established institution throughout the four Districts.

A few weeks after this, Dr. Poynter took part in an interesting and almost unique ceremony at St. Edmund's College,

where Mr. Thomas Weld of Lulworth was consecrated Bishop on August 6, 1826. He had been a priest over five years. The following letter of his to Dr. Poynter, written at the time when he was making up his mind about his future career, gives such an interesting little sketch of his past life as to be worth quoting in full. At the time he wrote it, he was studying in Paris, under the guidance of Abbé Carron. He wrote as follows:—[1]

"No. 47 Rue de la Chaussée d'Autin,
"Paris, *May 28th*, 1817.

"My Lord,

"I take the liberty of intruding on your Lordship's numerous and important avocations, to request advice on a subject which is of the utmost consequence for settling my future proceedings in life.

"For these two years past, ever since it was the will of Heaven that I should become a Widower,[2] I have constantly begged the grace of God that I might know and do what would be most pleasing to Him. Since I came hither, I have found great comfort and light from the advice of my spiritual director, the Abbé Carron, and by it in great measure I now write. His merit is well known to your Lordship. From all that has passed I feel satisfied that I am called to offer myself later as a candidate for Holy Orders, and in the meantime address your Lordship, begging you to have the goodness to tell me what you think the best plan for me to follow in order to render myself admissible to so high an office. I do not feel that I should be fulfilling the will of Almighty God by merely qualifying myself for saying Mass, however sensible I am of the sublimity of that action, and however agreeable to my devotion, but I should wish also to be able to assist and instruct my neighbour, and be useful in every branch of the sacred ministry.

"In order to form a judgment on this matter, it appears to me necessary to trouble your Lordship with some account of my education and past life. I was never at any school, but began to learn Latin at home, when about ten years of age, and continued the study of it almost entirely under my preceptor, the Rev. C. Plowden, till after I was twenty. Being naturally indolent, and satisfied if my superiors did not re-

[1] *Westminster Archives.*

[2] His wife, a daughter of Sir Thomas Clifford Constable of Tixall, died on June 1, 1815.

prove me much for want of attention, I cannot boast of being very deep in the language, but I went nearly through most of the classic authors usually read in schools, and though I have not since studied works of that description, I have never lost sight of the language, using it daily in my prayers, following the Church service, or reading Thomas à Kempis. I began Greek, but did not continue it. I read a kind of course of Philosophy with my Preceptor, and have a general idea of Logic, etc. I received very early and careful instructions in my religion and the practice of it, and have passed few days of my life without reading or hearing some spiritual book; but I have not studied controversy or read any books of theology, and have only that knowledge of those subjects which I have acquired accidentally or from spiritual books and hearing catechisms or sermons, etc., which I have generally attended when I had an opportunity. I completed my forty-fourth year on the 22nd of last January, and though I am aware that my memory is not as good as it was some years ago, I do not feel afraid of the task it may be necessary for me to undertake, and I hope my health, which is better now than it has been for many months, will be no hindrance to my doing what is requisite, though I am sensible that it would probably suffer by too close confinement and application.

"The attention I owe to my temporal concerns must take up a part of my time, and keep me more engaged with the world than I could wish for some years, I fear, to come; and the duty I owe my daughter as a parent appears to me incompatible with retirement into a Seminary or College until she is settled. But as she is now more than eighteen years of age, I hope I shall not be more than a year or two longer under that embarrassment. One of my principal reasons for coming hither was for the benefit of her education. . . .

"I shall await your Lordship's answer to this confidential communication and be most happy to give any further explanation deemed necessary. Though your Lordship is Bishop of the District in which I was born, I have been induced to trouble you not less on this occasion by the high esteem and respect with which I remain,

"Your Lordship's most obedient, humble servant,

"THOS. WELD."

The obstacle to which Mr. Weld alludes above—the dependence of his only daughter on him—was removed on September 1, 1818, when she was married to the Hon. Hugh (afterwards Lord) Clifford. "I cannot sufficiently thank that kind Providence," he wrote, "which has given her such a husband and, by placing her in such safe hands, left me so much more at liberty to follow its dictates with less attachment to anything in this world." He accordingly proceeded with his studies under the direction of Abbé Carron, and was ordained priest by the Archbishop of Paris on April 7, 1821. A year later he was doing the work of an ordinary assistant priest at Chelsea, and after that at Hammersmith, when he was chosen as coadjutor to Dr. McDonnell, Vicar Apostolic of Upper Canada.

The consecration took place at Old Hall on August 6, 1826. Dr. Poynter was the consecrating prelate; Dr. Bramston and Dr. Penswick the assisting bishops. The sermon was preached by Rev. Joseph Kimbell, formerly president. Dr. Weld's episcopal see was Amycla, which has since been closely identified with Edmundian bishops.[1] He did not immediately take his departure for Canada, for the mission there was in great need of funds, and at the request of Dr. McDonnell, he remained in London for a while, in order to collect money on behalf of his new sphere of activity. There were said to be about 50,000 Catholics in Upper Canada, with only fourteen priests to minister to them. Dr. Weld also undertook the task of treating with the British Government about the proposed promotion of Dr. McDonnell to be Bishop in Ordinary of Kingston—for control in the appointment of Canadian bishops was claimed by the Ministry. After this, in the autumn of 1829, Dr. Weld went to Rome, to make further arrangements with Propaganda, intending to leave for Canada in the following spring; but he was detained in Rome, and being eventually raised to the purple, he spent the remainder of his life in the Eternal City.[2]

Dr. Poynter just lived to see the first signs of the move-

[1] Bishop Weathers, Auxiliary to Cardinal Manning, was consecrated Bishop of Amycla in 1872; and, more recently, Bishop Fenton, Auxiliary to Archbishop Bourne, has held the same title.

[2] He outlived his daughter by six years, and died in 1837.

Bishop Weld

ment which was destined to bring so many converts into the Church during the next generation. On December 21, 1825, Ambrose March Phillipps,[1] eldest son of Mr. March Phillipps of Garendon Park and Grace Dieu Manor, Leicestershire, at the age of sixteen, was—to the great sorrow of his father—received into the Catholic Church. His conversion had been due in the first instance to the influence of an *émigré* priest, Abbé Giraud, who was French master at the school where he was being educated. This led him to inquire about Catholicism and the work was completed subsequently, when his father took him to Paris, where he regularly frequented the Catholic churches. The rest was only a matter of time. Soon after his return, he was sent to a school at Edgbaston. During his residence there, he once wandered into St. Peter's, which is the oldest Catholic Church in Birmingham, where he made the acquaintance of Rev. Thomas McDonnell, who was destined soon afterwards, during the Christmas holidays, to receive him into the Church. The event took place at the cottage of a poor Irish labourer at Loughborough. It was a winter morning, and the ground was covered with snow, when the young neophyte mounted his horse and left his home before sunrise, to take the decisive step of his life. Mr. McDonnell was waiting for him, and forthwith put the usual questions in order to ascertain how much he knew of Catholic doctrine. He was surprised to find him well versed, even in the minutest points, and had no hesitation in receiving him there and then, and administering his first Communion.

It had been proposed that Ambrose Phillipps should go to Oriel College, Oxford; but owing to the vacancies being all filled, his plans were changed, and he entered at Trinity College, Cambridge, in October, 1826. He was the only Catholic undergraduate in the University. Charles Acton, the future cardinal, who had been at Magdalene College, had gone down three years before, being prevented by his religion from proceeding to a degree. There was, however, one other Catholic member of the University, then resident at Cambridge,—Mr. Kenelm Digby, the well-known author of *Mores Catholici*, who had taken his degree before his conversion, which took

[1] Afterwards Ambrose March Phillipps de Lisle, father of Mr. Edwin de Lisle, sometime M.P. for the Loughborough Division of Leicestershire.

place in 1823. He and March Phillipps soon became close friends. During their joint residence at the University, they naturally wished to visit St. Edmund's College, which is only twenty-five miles from Cambridge, and was the chief centre of Catholic life in the neighbourhood of the metropolis. It was with a view to arranging this that Mr. Phillipps wrote to Dr. Poynter from Cambridge, informing him of his conversion, and asking whether he might visit Old Hall. He received the following answer :—[1]

"4 CASTLE STREET, HOLBORN, 9 *February*, 1827.

"MY DEAR LITTLE FRIEND,

"Though I am overwhelmed with business to-day, I cannot deny myself the pleasure of thanking you for your esteemed favour of the 6th instant. I am happy to observe, in the expression of your letter, such a lively sense of the blessing which the Almighty has bestowed on you by calling you to the faith and communion of the Holy Catholic Church. In the certitude of this faith the mind finds a happy security; and from the intercourse of this communion the heart derives the most sensible consolations. For the blessings you have already received I give thanks to the Author of all good gifts, and I pray that you may continue to receive an increase of spiritual blessings here, which will prepare you for blessings that will never end.

"I am glad that you have such an excellent companion in Trinity College as Mr. Digby. He has been so good as to send me the second edition of *Mores*, which I open when I have a leisure moment and read with pleasure.

"The Revd. Mr. Griffiths, President of the College at Old Hall, will be most happy to see you and Mr. Digby whenever you may go over. You will see duties well performed there on Sundays. When I go down I will let you know, if it be for a Sunday.

"Mr. Tuite is very well and unites with me in every good wish to you. When you write, pray do not give me such high titles. I am not an Archbishop, but I am sincerely your Friend and humble servant in J. C.

"WILLIAM POYNTER."

[1] *Life of Ambrose Phillipps de Lisle*, i., p. 14.

Being fortified with Dr. Poynter's approval, the two Cambridge Catholics accordingly visited Old Hall, and an intimacy soon sprang up between them and Dr. Griffiths. The tradition is still known at St. Edmund's, of how they would ride over early on a Sunday morning, before breakfast, in order to receive Holy Communion fasting, in accordance with Catholic discipline, and to assist at High Mass and Vespers, before returning to Cambridge in the evening.

Before concluding our account of Dr. Poynter's episcopate, we must allude to a further attempt which was made to bring about the formal restoration of the Society of Jesus. Father Charles Brooke was at that time acting as the superior of the Stonyhurst Fathers. A memorial to the Pope was presented in the early months of 1826; and a few weeks later Father Brooke wrote a personal letter to Bishop Poynter, begging him to withdraw his opposition and to recognise the Society in the London District.

The former of these was of course quite in order. It came before persons in Rome who had not been hitherto concerned with the matter, and hence they were not well informed of what had previously taken place. There was no Cardinal Prefect of Propaganda at that time: the duties of the office were temporarily discharged by the aged Cardinal Somaglia, as pro-prefect; but most of the work was practically done by Mgr. Caprano, Bishop of Iconium, the secretary. On receipt of the Jesuit petition, he wrote to the three opposing vicars apostolic, requesting their views on the matter.

Dr. Poynter was the first to answer, his letter being dated May 18. He gave a short account of how matters stood, and quoted especially the discussion which the vicars apostolic had had on the occasion of their all (except Milner) meeting together for the consecration of Dr. Bramston nearly three years before. On that occasion the question was revived, as a subject from the London District had recently after one year's residence at Clongowes Wood been ordained by Archbishop Murray *titulo paupertatis*, and returned to England to serve on the mission. The usual documents having been produced—*viz.* Cardinal Borgia's letter of 1803; Litta's of 1815; the Brief and Rescript of 1820—they passed unanimously the following resolutions:—

"1. That the Society of Jesuits is not established in any

part of the British Empire, since the Civil Government, the consent of which is required for its establishment, in any particular place, has not consented to its establishment there.

"2. That the Vicars Apostolic cannot admit the exercise of religious jurisdiction of any Superior of the Order or Society of Jesus in England.

"3. That those British subjects who have taken any Religious Vows as Jesuits, or who have been ordained as Jesuits, cannot be recognised in England as Jesuits, or as persons enjoying the privileges of the Order or Society of Jesus by the Vicars Apostolic of England."

Turning now to Father Brooke's direct appeal to Dr. Poynter, it is difficult to see what he hoped to gain by it. For if Dr. Poynter had wished to recognise the Society, he would have been powerless to do so without the direct authorisation of the Holy See. This he did not fail to point out in his answer, which he sent on May 26. He argued as follows:—[1]

"I must beg to observe that there is a mistake in the supposition which runs through the whole of your letter, *viz.* that it is within my power to give effect within the London District to the bull of his late Holiness Pius VII. which begins with the words *Sollicitudo omnium Ecclesiarum*."

Having quoted the usual documents he gives the following further explanation:—

"I must beg leave also to observe that your remarks in your letter concerning the objection on the part of the Civil Government to the Admission of the Society of Jesus into this kingdom seem to regard the consent of the Civil Government in this matter rather as an object to be attended to or not as religious prudence may suggest than as a *Conditio sine qua non*, for the existence of the Society even in a Canonical sense in this kingdom. Not that his Holiness might not, if he had so willed, have given it a Canonical existence independently of the consent of all Civil Governments; but that if his Holiness has made the Canonical re-establishment and existence of the Society in any particular States in his intentions dependent on the consent of the Civil Government of those States, the Society has not a Canonical existence there until that consent be given, much less if that consent be positively refused."

[1] *Westminster Archives.*

Finally, he quotes the official decision of Cardinal Consalvi that the Society was not established in England,[1] and adds:—

"This did not relate to the civil existence of the Society in England, which indeed does not depend on the Pope, but on the Civil Government, but to its Canonical existence here, which was not to take place according to the declared instructions of his Holiness, the author of the Bull *Sollicitudo*, until the consent of the Civil Government in England was given."

Dr. Gradwell was absent from Rome during the months of April and May, 1826, on a tour through Naples and Sicily, and therefore took no part in the discussions at that time. On his return he threw in his lot as usual against the Jesuits; but it does not appear that his influence was at that time needed. Early in August the appointment of Cardinal Capellari was announced, as Prefect of Propaganda. He was a Camaldolese monk, and was afterwards raised to the Papacy under the title of Gregory XVI. As soon as he could find leisure he made careful inquiries of Dr. Gradwell with respect to the position of affairs, and likewise wrote to the vicars apostolic to ascertain their views; but apparently he refrained from taking any action.

A further attempt was made on behalf of the Jesuits, this time by Bishop Weld; but he did not act through Propaganda, and Dr. Gradwell expressed a doubt whether Cardinal Capellari was ever aware of it. The petition of Bishop Weld remained unanswered. It appears to have been taken amiss, and considered as an interference of one bishop in the diocese of another. So matters rested, and it is probable that so long as Dr. Poynter lived, his personal influence would have been sufficient to prevent the re-opening of a question which had been decided with such care, and at the end of such unfortunate and acrimonious disputes.

But he was nearing his end: his death took place the following year, preceded by a long and lingering illness. Very appropriately his last Pontifical acts were performed at St. Edmund's College. On Maundy Thursday, 1827, he conse-

[1] "Authentica illa interpretatio Constitutionis Sanctissimi D.N. Papae quae incipit 'Sollicitudo omnium Ecclesiarum' . . . omnem plane dubitationem de medio tollit, atque ex ea palam fit Amplitudinem tuam jure compertum sibi esse affirmare Societatem in Anglia nondum esse restitutam." See Appendix K (16).

crated the Holy Oils as usual in the College Chapel. On Good Friday he preached at the mass of the Pre-sanctified. He assisted at Matins and Lauds for Easter, and administered Confirmation, which according to his custom he accompanied with two exhortations; and he sang a full Pontifical Mass on Easter Sunday, with which he fitly concluded his episcopal life. On the following day he was taken ill with his old internal complaint which caused him intense suffering. After a few days he rallied somewhat, and became sufficiently well to be removed to London. For a while he fought against the malady, and attended to his correspondence and wrote letters; but his illness soon returned, accompanied by an alarming weakness. Dr. Babington and Sir Henry Halford, two of the leading physicians of the day, being called in, prescribed absolute rest as the only chance of a cure. Towards the end of May, therefore, Dr. Poynter travelled to Northampton, where he stayed at the house of the Dowager Lady Throckmorton in Abington Street. On June 7 he wrote that he was improving, though still weak; and he afterwards went to Neville Holt in Leicestershire, the seat of the Neville family, and elsewhere. About this time he learnt that, as a mark of esteem and confidence, the Pope had named him an "Assistant at the Pontifical Throne"; a distinction which could not fail to be grateful to him. He continued so hopeful about himself that he promised to administer the September Ordination at St. Edmund's; but God had other designs in his regard. His weakness increased and before the end of July his state was considered almost critical. By advice of the doctors he repaired to Cheltenham, where he took the waters for several weeks, and hopes were held out of his ultimate recovery. But the weakness continued to increase. Early in September he was moved to Bath, where he was barely able to take the air for half an hour a day in a bath-chair. Dr. Bramston became alarmed at the accounts which reached him. On Monday, October 1, Mr. Tuite went to Bath and was much shocked at the state in which he found the bishop. A little later Dr. Bramston himself went down and realised that Dr. Poynter was in a critical condition, pale and emaciated, and hardly able to walk across the room. He determined to bring him back to London. The journey was accomplished by easy stages, and the first days of November

saw him back at Castle Street. He never left his house again. On the 12th he took to his bed; and on the 17th—the day after the feast of St. Edmund—Dr. Bramston administered the last rites. The following letter from Mr. Tuite to Bishop Collingridge, written on that day, gives a vivid picture of the scene on the mournful occasion:—[1]

"Our dear Bishop," he writes, "has latterly grown much weaker, so that to meet his pious wishes, and prevent any sudden accident, it has been deemed expedient to give his Lordship the Rites of the Church, Viaticum and Extreme Unction. This has comforted his holy soul extremely, and not at all depressed my spirits, for hundreds recover who have received Extreme Unction. No, I am now in better hopes than ever. My reliance is not upon Doctors' nauseous drugs, but upon the united prayers of *tens of thousands by whom our dear friend is almost adored.* Oh, that you had been in his chamber to see him, to watch his angelical countenance while the prayers were read preparatory to Extreme Unction: the sight would never have been effaced from your recollection: I shall remember this through life."

The story of the following days can be given from a letter from Rev. Thomas Griffiths who came up from St. Edmund's to assist at the death-bed of his former president. He writes as follows:—[2]

"The death of Bishop Poynter was like his life, that of a saint. I had the happiness of being near him during the last fortnight of his illness, when he was confined to his bed, and was much edified by his patience, humility and loving confidence in his God. As if he were already in heaven, his whole mind and heart were absorbed in the prospect of speedily enjoying his God, and unrestrainedly his whole conversation was on pious subjects. He frequently repeated with great feeling those words of the psalmist, 'Tuus sum ego, salvum me fac;' or those 'In manibus tuis sunt sortes meae,' and would accompany them with outstretched arms expressive of his total resignation of himself into the hands of his Maker. On one occasion he adopted the zealous sentiment of the Apostle, 'Mihi vivere Christus est et mori lucrum,' expressing his fervent resolution of not sparing himself of his missionary labours if

[1] *Westminster Archives.* [2] *Ibid.*

the Almighty should prolong his life, and his humble confidence of possessing his God if he should die. His principal sentiments seemed to be those of joy and congratulation in the perfections of the Deity, and of astonishment and love at the stupendous mystery of the Redemption, repeating with emphasis that God Himself should die to free us from suffering. I read once by his desire the psalm 'Dominus regit me,' etc., upon each verse of which he commented as I proceeded, adapting it to himself in acts of thanksgiving for the many blessings he had received during his life. His affectionate tenderness to those who approached him was literally overpowering; several left his room having been able to testify their respect and sorrow only by their behaviour and their tears. He invited them to give him the kiss of peace, after having gratefully thanked them for their assistance in the district. He received the Blessed Eucharist frequently during his sickness and always with reanimated piety, which seemed to make him forget his sickness.

"On the night of Sunday the 25th of November a visible change was observed in him, and when I saw him at nine o'clock on Monday morning, his weakness allowed him to show his knowledge only by a slight inclination of the head and eyelids. About ten his external senses left him, although from the placid serenity of his countenance he appeared to be in prayer. During several hours that preceded his dissolution he continued with his arms extended in the same manner as he had been accustomed, to signify his resignation of himself into the hands of God. At seven o'clock in the evening, during the reading of the recommendation of his departing soul, he calmly expired."

The obsequies took place at Moorfields, on December 11, and formed perhaps the most imposing ceremony which Catholics of that generation had beheld. Bishop Bramston pontificated. Bishop Weld was present on the sanctuary, as also Mgr. Fryer, of the Portuguese Chapel; and a large number of clergy. The elder students from St. Edmund's attended, Rev. Matthew Ryan, a Professor at the College—afterwards Abbot of Mount Melleray—being master of ceremonies. Matins and Lauds were sung, followed by the Requiem, all in plain chant, rendered by the clergy. The sermon was preached by Rev. Lewis Havard, a former pupil of Dr. Poynter's both at Douay

and Old Hall—the same who had preached fifteen years before at the funeral of his predecessor. Taking for his text the words of the psalmist, "The just shall be in everlasting remembrance; he shall not fear the evil hearing," the preacher boldly addressed himself to the differences between Bishop Poynter and Bishop Milner, and spoke as follows:—

"I deem it a conscientious duty to testify that the illustrious Dr. Milner, not very long before his death, declared to me respecting the venerable Dr. Poynter in words which coming from any one else might be construed into flattery, but he was not accustomed to flatter—he declared with emotions scarcely susceptible of description that he entertained the most unbounded veneration for the virtues, piety and edifying character of Dr. Poynter, and that he would give the universe to possess half his merit in the sight of God. The disclosure during his life would have offended his sincere humility, and for that reason it was not made; but now I thus publicly aver the fact, with inexpressible satisfaction, for the credit of both. They were both men of great and undeniable virtue, but of different character and disposition. They both considered themselves as sentinels placed on the watch-tower. If the Church of Christ has been illustrated by a St. Augustine and an amiable Fénelon, it has been equally illustrated by an inflexible Bossuet and a rigid St. Jerome. Difference of opinion will exist between the best of men, and what wonder? Did not St. Paul, the Apostle of the Gentiles, differ from St. Peter, the Prince of all the Apostles?"

The sermon was afterwards printed from the press of William Eusebius Andrews, at his special request, as he gave as his motive that "it would be the means of making some amends for any pain he may have occasioned to the feelings of the venerable deceased by his political opinions". Mr. Havard added some footnotes, in one of which he gave his opinion on the differences between the two bishops:—

"If things were duly weighed," he said, "the difference between the illustrious Prelates would probably appear to regard merely the means of obtaining the same end, combined with difficulties almost unparalleled in the history of the Church, to preserve us as one body in Christ, which has happily been effected, and perhaps would not have been effected by any

other two men. It may be rashness or vanity to hazard an opinion on matters which belong to the judgment of posterity; but posterity may possibly decide that if the Prelates had exchanged situations, with the peculiar and intricate views of the subject each would in the main have adopted the line of conduct pursued by the other."

After the conclusion of the sermon, the Absolutions were given, and the body of the deceased bishop was buried in the vaults under the church. In accordance with directions left by him, his heart had been removed from his body, and in the afternoon of the funeral day, it was conveyed to St. Edmund's College by Bishop Bramston and Mr. Griffiths. It was deposited under the sanctuary of the "Old Chapel," which was then in use, under the spot where the priest stands to begin Mass. The following inscription was written by Dr. Poynter himself:—

In hoc Collegio Catholico
Fidei Seminario
unde numquam fuerat
avulsum cor suum
testamento
reponi mandavit
Illmus ac Revmus Gul: Hal. V.A.L.

At the present day, his whole body lies buried at St. Edmund's; for when the church at Moorfields was pulled down in 1899, it became necessary to remove all those who had been interred in the vaults; and there was no place to which Dr. Poynter's remains could be more appropriately taken than to his own college at Old Hall. It became the privilege of the writer of these lines to open his coffin, and look upon the features of one so closely connected with the Catholic history of this country—for after the lapse of more than seventy years his body was still well preserved—and to celebrate the Mass of Requiem in the presence of the sacred remains, before Cardinal Vaughan once more performed the funeral rites, and the body was deposited in that part of the chapel cloister which has been set apart for the graves of the vicars apostolic of the London District.

CHAPTER XLV.

EVENTS IN ROME.

On the death of Bishop Poynter, Bishop Bramston succeeded as Vicar Apostolic of the London District, and found himself called upon to begin a new career at the advanced age of seventy-four. Moreover his health had never been strong, and he was growing daily more infirm. Evidently his only chance of coping with the work at all lay in his obtaining a coadjutor, and in view of his age and weak health he naturally looked for one who would be capable of assuming the full position of vicar apostolic at an early date. According to a constant tradition at St. Edmund's College, from the first he wished to have as his assistant its president, Rev. Thomas Griffiths; but he considered him too young to put forward, for he was not yet forty. He therefore naturally thought of one who had served the vicars apostolic well and faithfully, and on January 27, 1828, just two months after Dr. Poynter's death, he wrote to Dr. Gradwell to ask his consent to be nominated. Dr. Gradwell answered as follows:—

"Rome, 9 *Feb.*, 1828.

"My Lord,

"Yesterday I had the honour of receiving your Lordship's favour of the 27th of January. Its contents were to me wholly unexpected, and startled me not a little. The utmost extent of my ecclesiastical ambition from my infancy was to be the pastor of a country congregation. It was my earliest choice, and is still the nearest to my heart. I think it the happiest of lives, and if I have deviated from it, it has been from a principle of deference to my superiors, and of submitting my own will to theirs. I still adhere to the same principle. I am happy and content at Rome. I love the place and the people, from whom I receive all the civilities that I can ever desire. It

is to me in every respect another home; and now after ten years' residence, it would cost me much to leave it. Besides, I should dread the episcopacy, especially in the conspicuous and difficult district of London. Without affectation I can truly say that I am too sensible of my deficiency in the talents and accomplishments requisite for such a dignity and station as your Lordship proposes to have the least wish to attain it, though I am not a little moved by the marks of confidence with which your Lordship honours me, and should dread the burden less as a Coadjutor to your Lordship. My answer therefore is that which I have given before, on occasions somewhat similar, to Dr. Gibson and Dr. Poynter: I neither accept nor decline the proposal, but am passive in the hands of my superiors. . . .

"I have the honour to remain, my Lord,

"Your Lordship's faithful servant,

"ROBERT GRADWELL."

On receipt of this letter, Dr. Bramston sent up a formal postulation in favour of Dr. Gradwell. Propaganda, however, answered that three names must be proposed, in accordance with the usual practice. Dr. Bramston accordingly added the names of Rev. Thomas Griffiths and Rev. Joseph Kimbell, two Presidents at St. Edmund's. There was, however, no reason to doubt that Dr. Gradwell would be appointed, and in the event his nomination was made in the month of May.

This brought to an end his rectorship of the English College which had lasted ten years, in which time he had succeeded not only in re-establishing the College, but also in earning for it a reputation which his worst enemies could not dispute. He was himself well conscious of his success. Writing to Dr. Bramston on April 27, 1828, he sums up his work as follows:—[1]

"Since I received the first students at the end of 1818, the College has admitted 54 individuals, of whom 19 are now priests on the English mission, 27 are still resident in the College, two have embraced the Order of Camaldolese Hermits, two are dead, and four have left on account of their health. Every year the College has risen in reputation, both in England and in Rome. By the propriety of their conduct, the zeal for their studies, and their brilliant success in the public

[1] *Westminster Archives.*

schools, the students have not only gained the applause of all Rome, but have even excited the admiration of the Pope."

The influence of Gradwell, even in academic matters, was not limited by the walls of the English College. It was due to his petition that the degree of Doctor of Divinity was conferred in 1821 on three distinguished Catholic scholars in England. These were Rev. James Archer, Rev. John Fletcher, and Rev. John Lingard. To these Gradwell's own name was added by the Pope; and both he and Lingard also received the degree of LL.D. When Lingard paid his second visit to Rome, in the summer of 1825, Gradwell presented him to the Pope, and he was present when the Holy Father pressed Lingard to take up his residence in Rome, and offered him the cardinal's hat. Lingard indeed excused himself on the plea that he must remain in England in order to have access to the documents necessary to complete his *History of England*, of which up to that date six volumes out of eight had appeared. In writing to Mr. Mawman, his publisher, he added: "If I consult my own inclination I shall never expatriate myself, to live amid the restraint of the Roman Cardinals". The Pope, however, did not lose sight of the idea. At a consistory in the following year, he reserved eleven new cardinals "*in petto*," as it is called,[1] giving a short description of one of them in enigmatical language, which many people thought was meant to apply to Dr. Lingard, and to be intended to take effect as soon as he had completed his History. It is not, however, certain that he was referring to Lingard at all,[2] and in any case he did not live

[1] For the benefit of those not accustomed to Roman usage, it may be explained that a cardinal "*in petto*" is already actually elevated to the purple, and when afterwards proclaimed, he dates his rank from the date not of his public proclamation, but of his reservation "*in petto*".

[2] Cardinal Wiseman afterwards maintained (*Last Four Popes*, p. 331 *seq.*) that the Pope was referring to the Abbé Lamennais. An acrimonious controversy on the question was carried on between him and Canon Tierney, who certainly brought forward some strong reasons for thinking that the Pope was referring to Dr. Lingard. In any case there seems considerable difficulty in accepting Wiseman's theory, for the unfortunate Abbé Lamennais was already discredited among Catholics, since the publication of the last volume of his *Essay on Indifference* (1823). Gradwell writing on this subject on November 16, 1826, says, "Some thought of Abbé Mennais, but the Pope is surfeited with him since he and his party have raised such a stir in France about the Gallican principles."

The question will probably never be finally settled; a summary of the chief arguments urged on each side respectively will be found in Appendix N. See also the *Life of Lingard* by Martin Haile and Edwin Bonney, chapter x.

to proclaim the person, whoever it was, that he had in his mind. Nevertheless, it is fairly certain that if Lingard had been willing to accept the dignity, there would have been no hesitation in offering it to him.

Gradwell's last great success with the students of the English College was the "Public Act" of George Errington, the future archbishop, which took place at the Apollinare, before Cardinal Zurla, the "Protector," on August 22, 1827. His performance on the occasion was only second to that of his intimate friend, Dr. Wiseman. Gradwell described it in the following language:—[1]

"Mr. Errington acquitted himself with uncommon ability and applause. The arguers chose very difficult points and placed their arguments in the most forcible light; especially two of the first Jesuit Professors, one contending that the Book of Judith was not a history but a μῦθος, the other detailing Michaelis's arguments against the authenticity of the Apocalypse. His answers to these as well as all the other points mooted excited the astonishment and admiration of the whole assembly, composed of Bishops, Prelates, Professors, students, etc., from every part of Rome. It did not yield to the celebrated performance of Dr. Wiseman in the church of St. Ignatius three years ago. Several Cardinals and Prelates have since made our College the highest Compliments and have told me that all Rome is indebted to us for having set such an example."

A few months after Errington's performance the Pope signified his appreciation of the excellent work done at the English College in a very special manner. Continuing his letter quoted above, Dr. Gradwell writes as follows:—[2]

"His Holiness has often marked his applause by acts of kindness and condescension both to me and the students; but especially since the close of the schools last Autumn. He not only said the most handsome and flattering things of the College, but determined to honour it publicly in a manner of which there is no example. When we were spending our vacation at

[1] *Westminster Archives.*

[2] This account differs in some slight details from that given by Wiseman (*Last Four Popes*, p. 315). Being written at the time, Dr. Gradwell's account is probably more correct. Compare also the account in the *Truthteller*, January 19, 1828. Among those present was Dr. Baines, then on a visit to Monte Porzio.

our villa in the small town of Monte Porzio, fifteen miles out of Rome, the Pope sent me word that he would come on the 29th of October to spend the day and dine with us. I made all due preparations for receiving so distinguished a guest. At seven o'clock in the morning he set out from the palace of the Vatican with four coaches, escorted by a detachment of horse-guards, and arrived at the country house of the College at ten. I and Dr. Wiseman,[1] at the head of the students, received his Holiness at the door, conducted him first to the Chapel, where he said some prayers, then to my rooms which I was proud to resign to such an illustrious visitant, and then to the large recreation room where a throne was erected. Here he took his seat, the Prelates and noble officers of his household standing on each side. I presented all the students first in a body, then one by one to receive the Pope's blessing and kiss his foot. He made them many compliments on their conduct and studies, inquired which of them had gained so many rewards and medals in the Roman schools, and exhorted them to continue to do honour both to England and to Rome. He then came down from the throne, and talked in the most familiar manner with the students. All the people of Monte Porzio, with the clergy and inhabitants of the neighbouring towns and villages, thronged to the College door. The Pope gave them his blessing from the College window, but as the whole of the crowd could not get within sight, he very obligingly went through the crowded streets on foot, holding my hand, to the fine large Parish church, and repeated his benediction from a balcony in the great square. I then presented the magistrate, the clergy, and all the principal inhabitants, both men and women, as I had before presented the students. It was a beautiful and affecting sight; the good people, who had never had a Pope within their walls for above two hundred years, rending the air with enthusiastic applause, and crying out, *Viva il Santo Padre! viva il Collegio Inglese!* At one o'clock dinner was announced. The Pope sat at the head of the table, his part being elevated a few inches above the rest. The prelates and students sat in two lines at the remainder of the table. The Pope made me say grace before and after dinner. As he took his seat he said: 'It is very unusual for a Pope to

[1] Dr. Wiseman was at this time Vice-Rector of the College.

sit down to dinner with a company of such fine students ; but to-day I have this advantage and I enjoy it'. He took soup, a little boiled and roast meat, a salad and a few small glasses of wine, but did not touch any of the fine dishes which his cook had been preparing for two days. . . . After dinner there was another large presentation. At four o'clock the Pope took leave in the most affecting manner, and returned with his suite to Rome."

The following sequel has a touch of mediæval days about it, which makes it worth producing :—

"On Holy Saturday afternoon I was interrupted by a message from the Pope. Four porters preceded by the Pope's steward and some of his servants, carrying on their shoulders something covered with a white sheet, strewed with artificial flowers, came out of the Pope's Palace, walked solemnly across the square of St. Peter's, past the Castle and Bridge of St. Angelo, till they stopped at the door of the English College, where they sent for me and said they had brought the burden as a present from the Pope. Hundreds of people were following to see what this novel spectacle could mean. But what do you think it was? A fine fat live calf, with a halter of red silk and gold on its head, its feet tied with red silk cords to the litter and its head and neck adorned with beautiful garlands of artificial fruits and flowers. It was a beautiful animal. On Easter Tuesday I had most of the English Catholic gentlemen in town to dinner, in order to partake of it. Among the rest were Bishop Baines, Lord Arundell, Lord Gormanston, Lord Dormer, Sir Patrick Bellew, Mr. Doughty, Mr. Barrow, Mr. Nugent, Mr. Errington, Mr. Sargent, Mr. Preston and Mr. John Roskell. As I could not invite ladies to dine in the College, I sent Lady Arundell a fine fillet, that the ladies might partake of it together at her house.

"When I went to thank his Holiness last week for these attentions, he invited eight of our students to carry the canopy which is held over him while he carries the Blessed Sacrament in grand procession round the colonnade of St. Peter's on the festival of Corpus Christi."

At this time Dr. Gradwell already knew that it was probable that he would soon be leaving for England. Dr. Bramston's formal postulation, mentioning the three names—

Dr. Gradwell, Mr. Griffiths and Mr. Kimbell—was received at Propaganda on May 12.[1] He appears to have written also to the Pope, who inquired what arrangements were proposed for replacing Dr. Gradwell at the English College; and on learning that Dr. Wiseman, notwithstanding that he was young for the post—he was not yet twenty-six years old—was considered competent to succeed, the Pope expressed himself satisfied and referred the matter to Propaganda. On the 14th Cardinal Capellari drew out a "ponenza" in favour of Dr. Gradwell's appointment. Dr. Baines, who had been travelling with Sir Patrick Bellew in the South of Italy, arrived in Rome the same day, and Dr. Gradwell called on him, informing him of what was proposed. It was known that Dr. Baines was not very favourable to Dr. Gradwell, and his influence was becoming very considerable in Rome: hence it was perhaps natural that many thought that he would oppose the proposed appointment; but writing to Dr. Collingridge on July 14, 1828, he says that all things considered, he thought the nomination a wise one, and had supported it. "With His Holiness, as with Propaganda," he wrote,[2] "I seconded his appointment, feeling at the same time convinced that with a word I could have prevented it."

The Congregation was held on May 17, when, in accordance with Cardinal Capellari's report, Dr. Gradwell was unanimously elected coadjutor to Bishop Bramston. Cardinal Fesch sent his "uditore" that same evening to inform him; and the result of the election became publicly known.

Nevertheless, there was some delay before the appointment was ratified by the Pope. As the delay was connected with a political incident of some importance, we will quote in full Dr. Baines's words, in the continuation of the same letter.

"Your Lordship will hear Dr. Gradwell boasting that Propaganda and the Pope were anxious for his speedy return to England, that in case of any negotiations about a Concordat[3] he might be the agent in the affair. Now the fact is that . . . at the very time that Dr. Gradwell was making these

[1] These and the following details are taken from Dr. Gradwell's diary.

[2] *Clifton Archives.*

[3] That is, about re-establishing diplomatic relations between England and the Holy See.

assertions in Rome itself, a proposal from the English Government about a Concordat was put into my hands, and I was commissioned by his Holiness to return the official answer to the person applying on the part of ministers, which answer was that though nothing would give his Holiness greater pleasure than to re-establish an intercourse with England, yet that till the laws which prohibit that intercourse are solemnly abrogated, the Holy See will not enter into any negotiation whatever. Should therefore your Lordship hear any alarms about a secret Concordat being carried on, you may say that you have certain information that this is not the case, nor will be till a regular legal intercourse is established with Rome.

"I had hoped," he continued, "that when Dr. Gradwell had achieved what appears to have been the great object of his ambition, *viz.* being made Bishop in the London District, his passion for intrigue would have subsided, and on this supposition I refused to oppose, as I had authority given me to do, his appointment. Judge then how I felt disappointed and alarmed when he publicly talked of hastening his journey to London that he might assist in negotiating a Concordat."

It would appear that in conversation with the two secretaries of Propaganda, Mgrs. Caprano and Palma, Dr. Baines found that they entertained much the same suspicions of Dr. Gradwell as he did. They also said that he was too fond of company and of dining out to make a good bishop. Being fortified by hearing the bishop's views, therefore, Mgr. Caprano determined to try and get Dr. Gradwell's appointment cancelled at the eleventh hour. He urged his well-known opposition to the Jesuits and Regulars generally, which appealed strongly to the Pope's mind, and suggested the appointment of Rev. Thomas Griffiths. On the other hand Cardinal Capellari contended that Dr. Gradwell's appointment had been regularly made, and ought not to be cancelled without a definite and strong reason. This contention in the end prevailed. After a delay of more than three weeks the Pope confirmed the appointment on Sunday, June 8, 1828; but he took the opportunity to caution Dr. Gradwell against continuing his opposition to the Jesuits and Regulars.

Dr. Gradwell's consecration took place in the Chapel of the English College on the feast of the Nativity of St. John Baptist,

Bishop Gradwell

June 24, 1828. Cardinal Zurla officiated as consecrating prelate, the assisting bishops being Mgr. Caprano, who had opposed his election, and Dr. Baines. The next few days were devoted to leave-takings. On July 9 Dr. Gradwell had his farewell audience of the Pope, who gave him a rescript creating the Rev. Thomas Griffiths, President of St. Edmund's College, a Doctor of Divinity. On the following day he handed over the government of the college to Dr. Wiseman, who had been appointed pro-rector for the time, until the English bishops could be consulted; and the same day Dr. Gradwell left Rome never to return. He arrived in London on August 23, and took up his residence at "the Castle," Dr. Bramston continuing to live in Tavistock Street as before.

Almost immediately after Dr. Gradwell's departure from Rome, a further agitation took place for the formal restoration of the Society of Jesus in England, which was destined at length to meet with success. During the eight years which had elapsed since the Rescript of 1820, much had happened to modify the situation. The whole *personnel* on both sides had changed. The death of Pope Pius VII. and of Cardinal Consalvi altered the condition of affairs in Rome, while in England the death of Bishops Gibson, Milner and Poynter altered it no less. On the side of the Jesuits Father Charles Plowden had passed away, and Father Grassi had been supplanted by Father Glover, as agent in Rome of the Stonyhurst Fathers. In the political world the familiar figure of Sir John Coxe Hippisley was no longer to be seen, as of old, interesting himself about Catholic affairs:[1] Lord Castlereagh's suicide and Canning's death had removed two old and staunch friends of the Catholics: while Lord Liverpool, their inveterate enemy, had retired already stricken with a mortal illness, and died a few months after this. Lord Sidmouth, who had been closely concerned with the question, on behalf of the English Government, was still living; but he had retired from active political life.

[1] He died on May 3, 1825. Milner states more than once that he was received into the Church on his death-bed (see Gillow, iii., p. xiv); such however was not the case. During his last illness he did indeed send for Rev. J. Devereux, one of the chaplains at Moorfields, who at once hastened to the baronet's London house, where he was dying. He was, however, refused admittance by Sir John Coxe Hippisley's son on the plea that his father was too ill to see any one; and a few days later he died. See the *Truthteller* for 1827, p. 162 *seq.*

Although those who may be called the protagonists in the Jesuit question had all passed away or been removed, there remained one of the vicars apostolic who had had a not inconsiderable share in the negotiations, and who had been in a somewhat different position from the others, being himself a regular. This was of course Dr. Collingridge, by this time old and feeble, and within a few months of his end. Before those months were spent, he was destined to be the instrument under God for the re-establishment of the Society in England.

We naturally ask what were the reasons which induced Dr. Collingridge to change his opinion. To this we are unfortunately unable to give a complete answer; but we can mention several circumstances bearing on the question which may perhaps indicate the trend of thought in his mind.

We know then that up to the time of the meeting of bishops at St. Edmund's in June, 1823, he had not relaxed in his opposition to the Society. He signed the resolutions passed at that meeting in this sense, as also did his coadjutor, Dr. Baines. And for at least a year or two afterwards he continued of the same opinion. So much was this the case that, finding that the action of the vicars apostolic in refusing to recognise the Jesuits was still being misunderstood, he proposed that the rescript of 1820 should be published; and he and his colleagues were only dissuaded from this course by the consideration that Rome itself was not acting up to the directions of the rescript, for English Jesuits were being professed there and sent back to England, presumably with at least the knowledge of Propaganda. Dr. Collingridge was still of the same mind when the eight bishops met at Wolverhampton in May, 1825. He had to leave the meeting before the end, and returning home his illness grew on him, till for some time it was doubtful whether he would recover. When he successfully passed the crisis, he had a long period of convalescence, which was never really completed. There is a tradition among the Jesuits that it was during this illness that in thinking over his past life, he reproached himself for the part he had taken against the Society; and that when the Bishops next met, fifteen months later, he had changed his view. We have unfortunately no definite account of the reasons which weighed with him. His chief adviser was the Rev. W. H. Coombes of Shepton Mallet, nephew to

Dr. Coombes, the late Grand Vicar, and formerly Dr. Poynter's vice-president at St. Edmund's. He was a strong pro-Jesuit, and would no doubt have used his influence in their favour. But the only reason that Dr. Collingridge himself gives for his change of attitude, in a letter to Dr. Baines, is that he had come across the "Gentlemen of Stonyhurst" in connection with some missionary work in North Wales, and had found them helpful and accommodating.

The first sign which Dr. Collingridge showed of his altered views was at a meeting which the vicars apostolic held at Old Hall in August, 1827, on the occasion of the consecration of Bishop Weld. At this meeting he boldly professed his opinion that the time had come when the vicars apostolic might with advantage petition the Holy See for the restoration of the Society in England. He did not, however, receive their support. Dr. Poynter was at that time alive, and nothing had occurred to induce him to modify his opinions. Dr. Collingridge, however, declared that if the others would not join him, he would send a petition on his own account, and early in the following year he did so; but it was not at the time successful. As, however, he continued of the same opinion, towards the end of the year he wrote to Dr. Baines to consult him on what steps he could take. His letter is dated December 14, 1827—less than three weeks after Dr. Poynter's death. He wrote as follows:—[1]

"If [my petition to Rome] has not hitherto been granted, it is not, I am convinced, for want of inclination on the part of the Holy See, but as I surmise from a difficulty in setting aside a letter from the late Pope or Cardinal Consalvi informing the Government through Dr. Poynter that as the Government objected to their re-establishment in England, the order was not restored here. The letter was communicated to me, and I suppose to the other Bishops by Dr. Poynter, but whether he had any *official* instructions for so doing, I know not. If not, and I could by any means be assured I should not incur the displeasure of the Holy See, I for one, as the Irish Bishops have I believe done, and do, would acknowledge their privileges, ordain or give dimissorials *titulo paupertatis*, etc., all which regard the *forum mere internum*, or *mere ecclesiasticum*, with which Civil government, Catholic even, can

[1] *Clifton Archives.*

claim no right to interfere. The letter was issued when the Liverpools, Eldons, etc., were in administration, who I suppose had expressed their wishes not to have the Jesuits in England. We have now a new administration who I daresay have never expressed a wish on the subject, and most probably never will. On these and some other grounds, may not means be devised, without compromising the dignity or honour of the Holy See, for letting these gentlemen into the enjoyment of their privileges, or rather for permitting the Bishops to recognise the privileges which they already enjoy by the circuitous and expensive mode of sending their subjects for profession into foreign parts?"

It would appear that Dr. Baines's mind was moving in the same direction as that of Dr. Collingridge. During his long convalescence in Rome, he had become intimate with Father Glover, and had gradually come round to his whole view of the case, declaring that Dr. Poynter had acted wrongly, and that the Roman authorities had been misled by his and Dr. Gradwell's misstatements. He answered Dr. Collingridge on January 15, 1828, giving his opinion that the Bishop was at liberty to recognise the Fathers as Jesuits in his own District, notwithstanding the letter of Consalvi. He gave the following three reasons:—

"1. Because that letter was addressed to Dr. Poynter only; nor does it appear that he had any authority to communicate its contents to the other Bishops, but only to Lord Sidmouth and the other Ministers.

"2. Because even if Dr. Poynter had had authority to promulgate the letter in the other Districts, there was great reason to hesitate in receiving it, as having been obtained under suspicious circumstances.

"3. Because the same letter is extremely vague and unsatisfactory, leaving the re-establishment in England of the Jesuits to the will of Government (*Gubernium*). . . . Now what is meant by Gubernium? If it means the Ministry of that day, it no longer exists. If it means the King and Parliament, they were never consulted."

Notwithstanding this opinion of Dr. Baines, it was clear enough that the matter would never be settled properly, even in the Western District, without some new pronouncement on

the part of Rome, and this he determined to try and obtain. A curious instance of the changes which had occurred in Rome since the time of Pius VII. and Consalvi here comes under our notice. In the course of his investigations, Dr. Baines came across the correspondence between Dr. Poynter and Lord Sidmouth in 1819. No one seemed to know anything about it, and he thought he had made a discovery. He wrote an account of it to Dr. Collingridge, saying that he heard it from a person to whom Dr. Gradwell had "communicated the secret". He spoke of it as a "shameful and disgraceful intrigue" on Dr. Poynter's part, and said he was taking steps so that they would "see no more of Bishops intriguing with Government to put down religious orders". And he ended the subject as follows:—

"What I would strongly recommend is that the Bishops should express unanimously their disapproval of the disgraceful conduct of Dr. Poynter, and found upon it a common resolution and agreement that henceforward no Bishop shall directly or indirectly treat with the Government or their agents on subjects relating to the affairs of the Catholic body or any part of it without the knowledge of the rest."

What Dr. Collingridge thought of this virulent attack on his old and intimate friend Dr. Poynter we can only conjecture. It will be remembered that the correspondence alluded to took place with the knowledge, if not at the suggestion, of the Roman authorities, and that Dr. Poynter had made no secret of it, having communicated it to his colleagues and indirectly also to the Stonyhurst Fathers. All this was well known to Dr. Collingridge; though it had taken place before Dr. Baines had been raised to the episcopate. Naturally, therefore, nothing further was heard of the proposed vote of censure on Dr. Poynter, and when the bishops met the following year—Dr. Baines being present at the meeting—no allusion was made to the Sidmouth correspondence.

Nevertheless, the story had been duly reported to the Pope by Bishop Baines at the time when he made his supposed discovery, and apparently made some impression on him. Then, soon after Dr. Gradwell's departure for England, Dr. Baines retired to Subiaco, to spend the summer months, and while there, he drew out a petition for the formal recognition of the

Jesuits as re-established throughout England, accompanying it with a long statement of the case, from their point of view. The text of his petition will be found in the Appendix.[1] In it he maintained indeed that the objections raised against the validity of the restoration in England were without foundation; but he humbly begged the Holy Father to remove the doubt by a new pronouncement. The petition was drawn up and presented in the joint names of Bishop Collingridge and his coadjutor.

There seemed every prospect that the petition would be successful. For one reason, the vicars apostolic themselves were no longer so strongly opposed to the restoration of the Society. The Emancipation question had assumed a new phase. In place of the English Catholics asking for it, and in consequence wishing to propitiate the Government, it was now being demanded under pressure by the Irish, and their attitude was from the nature of the case different. Individually the English bishops were now at any rate not strongly opposed to the restoration of the Jesuits. Dr. Poynter, who had acted most consistently against them, was dead. Dr. Bramston was always calling out for the matter to be settled, for he complained that Rome placed him in a difficult position by instructing the bishops one way, and allowing the Jesuits to act in another; but he had no very strong feeling as to which way it should be settled. Dr. Smith in the North had become old and infirm; but in his earlier days he had more than once expressed his readiness to give way for the sake of peace; and probably at any time after the death of Bishop Gibson, he would not have raised much opposition. Dr. Walsh in the Midlands had inherited Milner's feelings towards the Society, and although he did not quite follow in his footsteps to the extent of maintaining that the bull *Sollicitudo* was in fact valid in England, he was quite anxious that it should be made so. As soon as he learnt that a petition from the Western District was on foot, he begged that the Midland District might be included in it.

With half the bishops of England actively in favour, and the others not strongly opposed to the recognition of the Jesuits, the opportunity was singularly—or, as we should perhaps rather say, providentially—good for bringing about a final settlement

[1] See Appendix K.

of this vexed question, with a minimum of friction. The only person who might have been expected to be antagonistic was Bishop Gradwell; but with his new life just opening out before him, it was quite probable that he would not concern himself greatly in the matter; while the admonition he had received from the Holy Father on the subject was no doubt an important factor in bringing about the same end. At any rate, we do not hear of his expressing any dissatisfaction, either before or after the decision of the Holy Father.

That decision was dated January 1, 1829, and was to the effect that from that time forward the members of the Society could be ordained in England on the title of poverty; and they could all in future live publicly as Jesuits.

CHAPTER XLVI.

THE CLARE ELECTION.

WHEN Dr. Gradwell arrived in London, he found every one full of excitement about the celebrated Clare election, which had taken place a few weeks before, at which O'Connell was returned as a Member of Parliament. Every one realised the importance of what had taken place, and the fact that it must necessarily bring the whole matter of Catholic Emancipation to a crisis. Its story has often been told, with all the dramatic details with which it was surrounded. It will be necessary here to remind ourselves of the chief facts of the election itself, as well as of the events which led up to it, in order to understand its effect on the development of the Catholic question, both in Ireland and in England.

We must begin by recalling the chief political events which took place during the early months of the eventful year 1828. It has been said that the Goderich Cabinet never had the appearance of permanency. A Coalition Ministry deprived of its head who had brought about the coalition, could hardly be stable. Whether if Canning had lived he would have been able to hold them together is open to doubt; but that any one else could do so was more than improbable. The immediate cause which led to the crisis was connected with the appointment of a chairman of a Committee of Finance. Mr. Huskisson, the Colonial Secretary, was determined that Lord Althorpe should be appointed; Mr. Herries, Chancellor of the Exchequer, was opposed to the appointment, and, in view of his position, he considered that his wish should be decisive. As neither seemed willing to give way, Lord Goderich cut the knot by resigning, on January 8, 1828.

The King now sent for the Duke of Wellington and commissioned him to form a Ministry. This he succeeded in doing

on the old Tory lines. The Whigs who had come into the Cabinet to help Canning retired, and the new Government was almost the same as that of Lord Liverpool, with the exception that Lord Eldon did not resume office. Peel once more became Home Secretary, Mr. Goulburn Chancellor of the Exchequer, and Lord Anglesey, who had fought under the Duke at Waterloo, where he had lost his left leg, became Lord Lieutenant of Ireland. Strange to say, Mr. Huskisson and Mr. Herries, whose differences had led to the resignation of Lord Goderich, were both members of the new Ministry.

The Government of the Duke of Wellington had two inherent weaknesses, both of which made themselves felt at an early period. One was the presence side by side of those sometimes spoken of as "Canningites," and their opponents. It was considered by many as hardly proper that men like Mr. Huskisson and Lord Palmerston, who had been loyal to Canning in the hour of his need, should so soon be found in the same Cabinet as the Duke of Wellington and Mr. Peel, who had deserted him. The other source of weakness was that the Ministers were divided on what Peel justly calls "the most important domestic question of the day"—that of religious toleration and Catholic Emancipation. The views of the Duke of Wellington were indeed known to be the same as those of Lord Liverpool, and he had the staunch support of Peel, who was the strongest man in the Ministry, and who had always been the uncompromising opponent of Emancipation. But others thought differently, and the question was regarded as an open one. In point of fact, the Cabinet was almost equally divided on the subject, six being in favour of Emancipation and seven against it. We will consider this source of weakness first, and since the publication of Peel's *Memoirs* we are able to study the strange situation to which it gave rise from within as well as from without.

The exact composition of the Wellington Cabinet was announced on January 19. From the attitude of its two most important members—the leaders of the House of Lords and House of Commons respectively—it was naturally and rightly inferred that Catholics had not much to hope from them. On the 26th, therefore, the Irish Catholic Association met, and on the motion of O'Connell, after a long debate, passed a

resolution pledging themselves to oppose the election of any supporter of the Wellington Government whenever opportunity should arise. For the moment there was no means of putting the threat into execution, as none of the new members of the Ministry sat for an Irish constituency. And very soon, an event occurred to cause the Catholics to reconsider their attitude. This was the repeal of the Test and Corporation Acts, which, though at first opposed by the Government, was ultimately agreed to by them. A short account of this will be in place.

The matter was first raised in the House of Commons on February 26, when Lord John Russell moved "That this House will resolve itself into a Committee of the whole House to consider of so much of the Acts of the 13th and 25th of Charles II. as requires persons before they are admitted into any office or place in Corporations, or having accepted any office, civil or military, or any place of trust under the Crown, to receive the Sacrament of the Lord's Supper according to the rites of the Church of England". His motion was intended to be in favour of the Dissenters; but in practice it had an important bearing on the condition of the Catholics. In many respects indeed the Dissenters were on a different footing from the Catholics. In practice, many of them were admitted to places on corporations or to civil or military offices; and they were relieved from all penalties by the annual Act of Indemnity. This we have already considered in the case of holding commissions in his Majesty's army. They were willing enough to take the Oath of Allegiance and the declaration against Transubstantiation and other Catholic doctrines, so that they were not excluded from Parliament.

Nevertheless they had real grievances which were not limited to considerations of sentiment. Their case was stated by Lord John Russell in his speech as reported in the *Annual Register* for 1828, in the following words:—[1]

"The practical grievance suffered by the Dissenters was much heavier than the legal grievance appearing on the face of the statutes. Even the indemnity was given on the ground that the omission to qualify had proceeded from ignorance, absence or unavoidable accident, and thus refused all relief to

[1] P. 87.

those in whom the omission flowed from conscientious scruples. The fact was that many Dissenters refused to take office on these degrading terms; they refused to obtain by a fraud upon the statute honours and emoluments which the law declared they should not be able to attain in any other way. Besides, it was always in the power of any Corporation actuated by bigotry, by personal animosity, or by party spirit, to carry the Corporation Act into effect against obnoxious Dissenters. The records of the Courts of law furnished many instances of persons who had the smaller number of votes having been declared duly elected to Corporation offices in consequence of notice having been given that the persons voted for by the majority were Dissenters; and in how many more cases must the dread of this have prevented Dissenters from coming forward as candidates? The result was that not one-tenth of the Dissenters, who in proportion to their numbers ought to hold office, did at present hold it."

It was in order to remove these grievances that Lord John Russell made his motion. The Dissenters were at that time estimated to number 3,000,000 [1]—less than half of the number of the Catholics in Ireland, and one-fourth of the population of England. They were a respectable body of men, belonging to the middle and lower classes, and had no one of rank and title, so powerful in those days, to forward their cause. And they could not but feel that they were suffering from disabilities originally intended for Catholics. In 1789, Lord Stanhope and Mr. Beaufoy had espoused their cause in the Lords and Commons respectively, but without success. In the following year Fox made a great effort to repeal the Test and Corporation Acts on the broad ground of religious toleration; but notwithstanding his personal influence, his attempt was a disastrous failure. After that, they had kept silent for a time as a matter of policy, during the developments of the French Revolution; but when Fox became a member of the Grenville Cabinet in 1806, he appears to have wished to bring in a measure for their relief, but he refrained from doing so lest it should injure the cause of the Catholics. Shortly afterwards he died, and during the long reign of Tory Government which succeeded under the Duke of Portland, Perceval and Lord Liverpool, the Dissenters

[1] See Brougham's speech, in which he gives these figures.

stood little chance of making themselves heard. As soon, however, as the Parliament of 1826 had shown itself on the whole favourable to religious toleration, it is not to be wondered at that they began again to plead their cause.

The Government were, however, opposed to them. In the debate which followed Lord John Russell's motion, both Peel and Huskisson spoke against it. They declared that the grievances of the Dissenters were imaginary, and appealed to the fact that there had been many spirited debates during the last quarter of a century on the general question of religious toleration, in connection with the Catholic claims, and yet the Dissenters had not raised their voices to protest against any grievances under which they suffered. Mr. Huskisson also argued that it would retard the cause of Catholic Emancipation if the Test and Corporation Acts were dealt with apart from their other grievances; and in this he was followed by Lord Palmerston, then Secretary for War. Brougham controverted this statement and declared that he had consulted the Catholic leaders themselves, who were willing that the questions should be settled each on its own respective merits. When the division was taken, notwithstanding the attitude adopted by the Government, the motion was carried by a majority of 44, the numbers being, ayes 237, noes 193.

It may reasonably be asked why, on this emphatic defeat, the Government did not resign. The answer can be given in Peel's own words:—

"Notwithstanding this decision, adverse to the views of the Administration," he writes,[1] "it appeared to the advisers of the Crown that considering the state of parties and all that had passed since the death of Mr. Canning, the abdication of one Government, and the very recent constitution of another, we should not be justified in abandoning the service of the Crown, and exposing the King to all the embarrassment which must be the result of our resignation at such a period and under such circumstances. Considering, on the other hand, the amount of the majority in the Commons in favour of the repeal of the Test and Corporation Acts, and that that majority included many attached friends of the Established Church, . . . it appeared to me that it would be very unwise hastily to com-

[1] *Memoirs*, ii., p. 68,

mit the House of Lords to a conflict with the House of Commons on a question of this nature."

"With the consent and at the request of my colleagues," Peel continues, "I undertook to enter into communication with the Archbishop of Canterbury and other Prelates. It terminated, as I earnestly desired that it should terminate, in the conciliatory adjustment of the question at issue, with the general concurrence of both Houses of Parliament . . . namely, the repeal of the Test and Corporation Acts."

The emancipation of the Dissenters—for that actual term was used—was celebrated by a grand dinner on July 19, 1828, the Duke of Sussex—well known as the friend of religious toleration—being in the chair. The proceedings were marked by a natural enthusiasm on their own account; but joined together with that were most cordial wishes on behalf of the Catholics, of whom several representatives were present. One of the chief toasts of the evening was that of Catholic Emancipation, which was received with enthusiasm and apparently without a dissentient voice. Charles Butler, who was present, describes the reception of the toast in highly coloured language:—[1]

"Then," he writes, "ensued a scene which no tongue can adequately tell. A loud acclamation of sympathising applause was heard from every part of the room, and continued for many minutes. Every breast appeared to glow with rational enthusiasm. The Rev. Mr. Apland, the Unitarian minister at Hackney, was pre-eminently great. In his advocation of religious liberty and the duty of extending it to Roman Catholics, he sounded the highest strains of eloquence, and the hearts of all his hearers vibrated to them. Lord Stourton, Lord Stafford, Lord Clifford, and Mr. Edward Petre and some other Catholic gentlemen were present. Lord Stourton returned thanks for the Catholics and did it well; no one present at this meeting will ever forget it. The writer returned from it with a conviction that Catholic Emancipation could not be long delayed."

But in fact before this banquet took place, events had happened which formed a much stronger reason for thinking that Catholic Emancipation was at hand. In order to consider

[1] *Memoirs of Catholic Relief Bill of* 1829, p. 36.

these, we must retrace our steps to the month of May. On the 2nd of the month, at a meeting of the Irish Catholic Association, in view of the fact that the Government had accepted the repeal of the Test and Corporation Acts, O'Connell proposed that the pledge to oppose them should be revoked, contending that their having given way with respect to the Dissenters was only a prelude to their doing the same on the Catholic question. Time showed that in this he was wrong; and happily for the cause of Emancipation, at their meeting on May 2, the Association refused to go back on their previous resolution.

On May 8, the annual debate on the Catholic question took place in the House of Commons. The usual motion to go into Committee was proposed by Sir Francis Burdett, seconded by Brougham, and supported by Mr. Huskisson, Sir John Newport, Sir James Mackintosh and others. It was opposed by the Solicitor-General and Attorney-General, and as usual by Peel. The division was almost as close as in the previous year; but this time the majority was in favour of the Catholics. The numbers were: For the motion 272; against it 266; majority in favour of the motion 6.

Before proceeding to a Committee of the whole House which had thus been voted, in order to avoid a useless expenditure of time, it was determined first to ascertain the feeling in the Upper House. On May 16 Sir Francis Burdett proposed a conference with the Lords. This took place three days later, and the peers deputed having received the resolution, brought it before their own Chamber, where it was debated on June 9 and 10. The Marquis of Lansdowne moved that the House should concur in the resolution. He was supported by the Duke of Sussex, Lord Goderich, Marquis Wellesley and others; but vigorously opposed by the Duke of Wellington and other members of the Government, and by Lords Eldon, Colchester, Redesdale, etc. The division resulted as follows: Contents, 137; Non-contents, 181; majority against the motion, 44.

It was just at this time that the other source of weakness inherent in the Government made itself practically felt. The occasion which led to the crisis was in itself small, almost trivial; and it must be ascribed to the fact that the forces of dissolution were already at work that it produced the effect

which it did. A bill was before Parliament for the disfranchisement of the boroughs of Penrhyn and East Retford, in consequence of corrupt practices proved to have been used. The question was, what was to be done with the two places in Parliament thus left free. Some thought that they should be given over to the neighbouring hundreds; others that they should be given to populous towns then unrepresented, Manchester and Birmingham being named. The question of East Retford first came to a division, on May 19. The Ministry as a whole voted against the transference to Birmingham; Mr. Huskisson alone voting with the other party, who were defeated. The question was not in fact a Government issue, and was not of sufficient importance to justify any strong action; but Mr. Huskisson, in a fit of pique, wrote to the Duke of Wellington at two o'clock in the morning offering to resign. The Duke took him at his word, and although Huskisson, being in a calmer mood the next day, did his best to explain his offer away, the Duke would not accept anything short of a definite withdrawal, and proceeded to fill up his office. Huskisson was followed into retirement by the three other "Canningite" members of the Government, Lord Dudley, Lord Palmerston and Mr. C. Grant. This involved a partial reconstruction of the Ministry. The part which concerns our present purpose was the appointment of Mr. Vesey FitzGerald as President of the Board of Trade in place of Mr. Grant.

Mr. Vesey FitzGerald was member for Clare, and his seat would have been considered as safe a one as any in the country. His aristocratic connections and family history—his father had represented the constituency before him—made him a *persona grata* with the gentry; while he had always been a favourite of the people, for he had consistently voted on the Catholic side in all the debates on Emancipation. Yet since he was the only one of the newly appointed Ministers who held an Irish seat, if the resolution of the Association was to be carried into effect, it was necessary that his return should be opposed. On June 21 the Association met to choose a candidate. Their choice fell upon Major McNamara, who though a Protestant was friendly to the Catholics, and had acted as O'Connell's second in his duel with D'Esterre. The O'Gorman Mahon, who had come from Clare to attend the meeting, returned at

once to secure Major McNamara's consent. Three days later he was back in Dublin once more, for Major McNamara had refused to stand. It was under these circumstances that the bold idea presented itself that O'Connell himself should stand. It was true that he could not take his seat in the House without taking oaths which as a Catholic he never could take; but there was no legal barrier to his being elected; while in this event his taking his seat would be raised as a further question, and the position which he would have reached would be in itself a strong argument for passing Catholic Emancipation. The original idea was due to Sir David Rosse, a Dublin wine merchant; it was adopted by O'Connell, who pressed forward his candidature without delay. That same evening his election address appeared in the *Dublin Evening Post.* In it he at once discusses the main question of the legality of his election:—

"You will be told," he wrote, "that I am not qualified to be elected. The assertion, my friends, is untrue. I am qualified to be elected and to be your representative. It is true that as a Catholic I cannot, and of course never will, take the oaths at present prescribed to members of Parliament; but the authority which created these oaths—the Parliament—can abrogate them, and I entertain a confident hope that if you elect me, the most bigoted of our enemies will see the necessity of removing from the chosen representative of the people an obstacle which would prevent him from doing his duty to his King and his country."

"The oath at present required by law," he continued, "is 'that the Sacrifice of the Mass and the invocation of the Blessed Virgin Mary and other saints as now practised in the Church of Rome are impious and idolatrous'. Of course I will never stain my soul with such an oath. I leave that to my honourable opponent, Mr Vesey FitzGerald. He has often taken that horrible oath. He is ready to take it again, and asks your votes to enable him so to swear. I would be rather torn limb from limb than take it.

"Electors of the County Clare, choose between me who abominate that oath and Mr. Vesey FitzGerald who has sworn it full twenty times."

In his speeches O'Connell declared that he was willing to stake his professional reputation on his having the right already to sit and vote, if duly elected, considering that the exclusion

of those who refused to take the oaths was illegal, for the Act imposing them had been passed before the Union, so that it applied only to the English Parliament as then existing, and not to the Parliament of the United Kingdom. It is said that Charles Butler also gave a written opinion to the same effect. The case had never arisen, as no one had ever disputed the action of the House of Commons: O'Connell professed himself ready to do so, and confident as to the result.[1] His opponents naturally asked, if this was so, what the Catholics were contending for; and no doubt, in the event of this opinion having been upheld, so far as Parliamentary rights were concerned—and they were by far the most important question at issue—Emancipation would have been already gained.

Very little time remained for O'Connell to canvass; he was accepted as the candidate of the Catholic Association on Tuesday, June 23; the nomination was fixed for Monday the 30th, and the polling was to begin on the following day. But in truth, no canvassing was needed; as soon as the people knew that O'Connell was to be their candidate, their enthusiasm knew no bounds. O'Connell himself was detained in Dublin by his law engagements until the end of the week; but his supporters prepared the ground before his arrival. The clergy made it a religious question. In almost every chapel in the county a political address was delivered, sometimes by the priest himself, sometimes by a layman. This was by no means as strange as it appears to us to-day; for as we have already seen, the chapels were commonly used—in default of other buildings—for Catholic political meetings.[2]

The excitement throughout Ireland when it was known that O'Connell was to stand for Clare was intense, and subscriptions were at once set on foot to defray his expenses. The Irish Catholic Association voted no less a sum than £5,000. The city of Cork subscribed £1,000. Many Catholics of the upper classes added large sums, and before the end of the week over £14,000 had been raised. The fact that such a sum was needed at that time for a contested election is an

[1] See the *Annual Register*, 1828, p. 123.

[2] The Blessed Sacrament was not commonly kept in the chapel, so that there was not the same reason for restraint in this respect as there would be to-day. The altar steps would be converted into a kind of platform from which the speaker would deliver his oration.

eloquent commentary on the British Constitution as it then existed.

The excitement caused by the news from Clare spread to England. The Government could not fail to see the seriousness of the situation. The English Catholics realised that if O'Connell succeeded, it would bring Emancipation appreciably nearer. Nevertheless, those whose views were represented by the British Catholic Association were naturally not favourable to his methods. Their antecedents led them to sympathise with those who regarded his action as an attack on the rights of property and position; and although there had been a reconciliation with him at the meeting in 1825, they found it hard to forget the strong language in which he had formerly spoken against themselves and against their bishops. Moreover, the anti-English character which still marked his speeches, however natural in the circumstances in which he was placed, was not grateful to their ears. Their Committee met to consider the question, and passed the following resolution:—

"The Committee of the British Catholic Association are happy to assist in promoting a measure which will conduce to the welfare of the Empire by accelerating the attainments of equal rights to all his Majesty's subjects in Ireland".

They accompanied this resolution by a donation of £50 to O'Connell's election expenses—a sum denoting, to say the least, only a lukewarm support.

On Saturday, June 28, at two o'clock in the afternoon, when the law courts rose in Dublin, O'Connell—who had been engaged up to that moment in arguing a case,—began his journey to Clare, in a post-chaise and four. He himself occupied the box-seat, according to his custom. Inside the chaise were his son, the O'Gorman Mahon, and another. They posted through the night. On Sunday morning they heard Mass at Roscrea, and then continued their journey, reaching Limerick in the evening. Here they crossed the Shannon, which is the boundary of County Clare; but Ennis, the capital, where the polling was to take place, was still several hours distant. They did not halt till they arrived there, after two o'clock in the morning. The inhabitants had remained up all night to receive them. Bonfires were burning on the surrounding hills, and every house and cabin were lit up, when the

"Liberator" entered the town in triumph. At eleven o'clock the same morning the nomination took place. Mr. Vesey FitzGerald was nominated by the other member for Clare, Sir William O'Brien. The O'Gorman Mahon wrote down the name of Daniel O'Connell; and the battle began. The people assembled in their thousands. They were led by the priests, of whom more than 150 spent the week at Ennis. The contest was considered one on behalf of their religion, and for this end the people were willing to do whatever they were bidden. In order to secure that order and quiet which the sacredness of the cause demanded, they pledged themselves to abstain from whisky for the whole week, and not to retaliate any insult during the same period; and they kept their word. The Government, apprehensive of rioting, drafted a large detachment of soldiers off to be ready for any emergency; but, as at the Waterford election two years before, their services were not required.

The numbers that came together were far too great to find accommodation in the small town of Ennis. It was the middle of summer, and the greater number slept in the open air. The weather was not propitious: rain fell heavily at intervals during the week; but the people bore it all without murmuring, supported as they were by the sacredness of the cause and devotion to their religion. Mr. Wyse has drawn a vivid picture of the behaviour of the people during that strange time. He writes as follows:—[1]

"Near thirty thousand people bivouacked every night in the streets of Ennis—men and women of all ages, of all tempers. They met together at stated hours in appointed houses for their meals, with their wives and children, and received in the most perfect order from large cauldrons of bread and milk their daily pittance, as long as their services were required at the election. During all this time they abstained with the most perfect self-denial, and a cheerfulness the admiration of all around them, from every species of intoxicating drink. Their whisky, they said, was water. The disastrous results which usually arose at fairs, etc., from such indulgences were placed before them; their leaders and their clergy were indefatigable in impressing by every motive most likely to

[1] i., p. 385.

flatter their pride and their prejudices the imperative necessity of an exact compliance with this duty. They obeyed them with a precision, a perseverance, a devotion which even in a less noble cause would have been really admirable. Not a single instance of intoxication occurred during the election, scarcely a single quarrel. They threw themselves with an abandonment of all their ordinary feelings, totally and unreservedly upon their leaders. It was not the mere enthusiasm of the followers of a popular chief, or the discipline of a veteran army, but it had something of the attachment of children to parents, an affection mingled with resolution which nothing could distract. The troops which had been assembled round the town to the number of several thousands, with four pieces of artillery, looked with utter astonishment on this peaceable resistance."

Mr. Vesey FitzGerald shared the astonishment of the military; he saw the crowds, and witnessed their enthusiasm; but apparently he failed to realise how completely they were under control. "Nothing can equal the violence here," he wrote to Peel;[1] "the proceedings of yesterday were those of madmen, but the country is mad, and they have been allowed to proceed in the career of revolution. It will not, cannot, end well."

Both candidates addressed the people, to ask for their votes. Vesey FitzGerald said that he was proud of possessing the confidence of the Duke of Wellington, and that the cause of Emancipation, which he himself had always favoured, had more to hope for from a mixed Cabinet Administration than it ever could have from a purely Whig Government. He ended with a moving appeal to the people. He reminded them of all he had done to serve them during a period of many years, and his father also before him. His father lay at that moment on the brink of death, and they had found it necessary to conceal from him the fact that the contest was going on: but in the event of his opponent being elected, concealment would be no longer possible, and he said he could not answer for the consequences.

Under ordinary circumstances this appeal could hardly have failed of its effect among a people so emotional as the Irish,

[1] Peel's *Memoirs*, p. 109.

but the circumstances were not ordinary, and a few sentences from their favourite "Dan" soon dispelled the effects of the previous speech on the people. He appealed to the Forty-shilling Freeholders to assert their independence. "For the purpose of carrying Emancipation," he said,[1] "and to conciliate (which I have always been, and am now ready to do), I consented to the disfranchisement of the Forty-shilling Freeholders, because I then thought they consisted of nothing more than the property of their landlords, and I was of opinion that it would be impossible to free them from the influence of their landlords. I now want to know whether the Forty-shilling Freeholders of Clare are the slaves of their landlords. Are they, like the negroes, to be lashed by their torturers to the slave mart, and sold to the highest bidder? This experiment I am about to make." In the fervour of the moment he added: "It was a fault in me to consent to their disfranchisement, but I have made full and ample reparation, and sooner now would I shed the last drop of my blood than consent to their disfranchisement"—words which he had reason to retract before another year had passed over his head.

In carrying out his candidature, O'Connell received the support of all the priests—it is said with one exception. They stood in the public places and harangued the people, exhorting them to be faithful to their religion. Those who voted on what they considered the right side they would embrace: those who were about to vote in the opposite sense they would "mark" with a sign of the cross on their foreheads, which we are told often induced them to change their minds.[2] Vesey FitzGerald, who witnessed all these scenes, wrote to Peel: "The conduct of the priests has surpassed all that you could picture to yourself". Yet considering the nature of the issue at stake, no one could be surprised at their throwing all their influence into the strife. In the days of open voting the influence of those in their position was very great, and it can hardly be questioned that they went far beyond what would be legally called "persuasion".

The voting occupied five days. At the end of the first day, the numbers were 200 for O'Connell, against 194 for Vesey FitzGerald—practically neck and neck; but every one

[1] MacDonagh's *Life of O'Connell*, p. 157. [2] *Ibid.*, pp. 161-63.

recognised that this meant an eventual win for O'Connell: for his supporters being all Catholics, had first to obtain a magistrate's certificate of having taken the oaths required by the Relief Act of 1793, which involved delay; while as some at least of those who voted on the other side were Protestants, they were able to poll without any such formality. At the end of the second day—Wednesday—the numbers were 850 to 538, and the final result was certain. It was, however, important for the moral effect that the victory should be as decisive as possible, and Sheil, who had been there all the week, delivered a vigorous speech that evening. O'Connell himself was of course on the spot all day long, in his usual attire, with fur-collared coat, and yellow waistcoat, continually engaged in canvassing his friends, and arguing with any waverers. On the Friday evening, when he had secured 2,027 votes to his opponent's 936, he addressed one of his most stirring speeches to the people assembled in the Market Square.

On the following evening the poll was closed, the following being the final numbers:—

O'Connell	2,057
Vesey FitzGerald	982
Majority for O'Connell	1,075

The sheriff seems to have had some hesitation in announcing the result, in view of the fact that O'Connell was notoriously disqualified from sitting in Parliament, and had even declared in his presence that he was a Roman Catholic. His assessor, however, gave his advice to the effect that the election was certainly valid; and the question as to whether O'Connell could sit was a separate and subsequent one. The sheriff accordingly declared O'Connell duly elected, amidst tumultuous cheering from the people. On the Monday morning, when O'Connell drove off in triumph, the whole population of the surrounding country, to the number it is said of over 50,000, turned out to cheer him; and he was greeted with a like enthusiasm in all the villages and towns through which he passed on his way to Dublin.

Mr. Vesey FitzGerald, who had displayed remarkable self-possession throughout, took his defeat with becoming dignity. In his speech after the declaration of the result, he said that

he hoped at least that the return of his opponent would help on the cause of Catholic Emancipation, which he had always advocated both in and out of Parliament. Late that night, however, in writing to Peel, he struck another note :—[1]

"The election, thank God, is over, and I do feel happy at its being terminated, notwithstanding its result. I have polled all the gentry, and all the fifty-pound freeholders—the gentry to a man. Of others, I have polled a few tenants of . . . only, my own, and not much besides what adhered to me in that way. All the great interests broke down, and the desertion has been universal. Such a scene as we have had! such a tremendous prospect as it opens to us!"

Peel, in recording these words, adds his own brief comment: "A prospect tremendous indeed!"

[1] Peel's *Memoirs*, ii., p. 113.

CHAPTER XLVII.

THE EVE OF EMANCIPATION.

THE events alluded to in the last chapter created a totally new political situation. The seriousness of the return of O'Connell for Clare was the fact that whenever the opportunity should arise the same scenes would occur elsewhere. In the case of the Waterford election a similar consideration held good, and as it was part of a general election, there were a sufficient number of constituencies still unpolled to put the matter to the test; and the revolt of the Forty-shilling Freeholders spread to these other constituencies, as had been anticipated. It was practically certain that on any future occasion, given the same circumstances, a like result would follow in this case; and had there been a general election in the latter half of 1828, a large number of Catholic members would have been returned. Thus a menace was held out which no practical statesman could ignore. In discussing the resulting situation, we can first consider the immediate consequences, the effects on the two candidates themselves, and the actual difficulty in their regard which confronted the Government, and then review the general bearing on the Catholic question and the effect on the general political situation.

The first question which naturally occurred to every one's mind was whether O'Connell would make any attempt to take his seat, and what would happen if he did. The official return of the sheriff was couched in ambiguous language. It stated that Mr. Vesey FitzGerald, a Protestant, had been nominated, as well as Mr. O'Connell, who was a Catholic; that the latter stated publicly that he was a Catholic, and consequently a protest against his return had been lodged by a certain number of voters; but that he had secured the majority of votes. This

seemed almost equivalent to calling upon Parliament to deal with the matter, and a petition was promptly prepared by many of the electors, praying that O'Connell might not be allowed to be their representative.

It soon transpired, however, that O'Connell would make no immediate attempt to take his seat. He was not the man to rush blindly into a difficult position; it was evidently more to the interest of his cause to allow time to elapse for the situation to develop itself before precipitating any such contest as would be involved by his appearance in the House; or as Lord Eldon put it, from his own point of view, "he can do more mischief by prolonging his existence as a pretended M.P. than he could do if he was now to appear and be turned out of the House of Commons". The Government realised this, and discussed whether any measures could be taken to compel his attendance. The suggestion was even made that there should be a special "call" of the House for this purpose; but it appeared doubtful whether a member returned at a by-election was subject to such call. In any case, it was evident that if O'Connell did not want to come he could easily plead reasons for delay; and if the consideration of his position was begun, it would evidently be necessary to see the matter through, so that the prorogation of Parliament might be seriously delayed. And at last, in the presumable event of his refusing the oaths and being accordingly disqualified from taking his seat, a new writ would be issued for Clare, and there was nothing to prevent his standing again, when all the late scenes would be re-enacted. The proposal was made to alter the law, and make any one who was disqualified to sit, ineligible also as a candidate; but it was highly doubtful whether the House of Commons would have agreed to this course.

Under all these circumstances it was thought better to end up the session as if nothing unusual was happening. The King's speech was read on July 28, and Parliament was prorogued, the case of O'Connell being left for future consideration. In the meantime the Duke of Wellington and Peel began a general discussion on the whole question of Ireland, in which it appeared that both of them were changing their views, and were in favour of giving way, at least to some extent, to circumstances. This change marked the eve of Emancipation.

In describing the considerations which led to this result, Peel writes as follows:—[1]

"A prudent Minister before he determines against all concessions—against any yielding or compromise of former opinions—must well consider what it is he has to resist, and what are his powers of resistance. His task would be an easy one if it were sufficient to resolve that he would yield nothing to violence or to the menace of physical force.

"In this case of the Clare election and of its natural consequences, what was the evil to be apprehended? Not force, —not violence—not any act of which the law could take cognizance. The real danger was in the peaceable and legitimate exercise of a franchise according to the will and conscience of the holder.

"In such an exercise of that franchise, not merely permitted, but encouraged and approved by constitutional law, was involved a revolution in the electoral system of Ireland—the transfer of political power, so far as it was connected with representation, from one party to another.

"The actual transfer was the least of the evil; the process by which it was to be effected—the repetition in each county of the scenes of the Clare election,—'the fifty-pound freeholders, the gentry to a man,' polling one way, their alienated tenantry another,—'all the great interests of the county broken down'—the 'universal desertion' (I am quoting the expressions of Mr. FitzGerald)—the agitator and the priest laughing to scorn the baffled landlord—the local heavings and throes of society on every casual vacancy in a county—the universal convulsion at a general election—this was the danger to be apprehended—these were the evils to be 'resisted'."

We can next consider the difficulties with which the Government was hemmed in. The first and foremost of them was that they could not face a general election. Under ordinary circumstances, one method of procedure would have been to dissolve Parliament on the Irish question, to test the feeling of the country. In the then Protestant state of England, they might quite probably have obtained an increased majority, and then their course would be clear; or in the event of their being defeated at the polls, they would have resigned

[1] *Memoirs*, i., p. 116.

Sir Robert Peel

office. But the recent events precluded the possibility of this course. "Is there any sane man responsible for the public peace," Peel asks,[1] "any sane man sincerely anxious to support the Protestant interest in Ireland, who after the events of the Clare election in June, 1828, would have advised a simultaneous appeal to all the Irish constituencies in the summer or autumn of that year?"

Yet sooner or later, at latest in five years' time, that "simultaneous appeal" was bound to come. When it did come, if twenty or thirty Catholics were elected the situation would be grave indeed. It might be possible to deal with O'Connell's demand to sit and vote in the House: it would be quite another matter to keep out twenty or thirty legally elected members.

Again a natural remedy would have been to raise the franchise, and disqualify the whole class of small holders who had won the elections at Waterford and Clare; but it was very doubtful whether the House of Commons as then constituted would pass such a law:[2] to ask them to do so would be to risk defeat, and at best it would pass by so small a majority that the moral effect would be very unfortunate. In similar manner the Government could not venture to ask for special powers beyond the ordinary law. "Is it probable," Peel again asks,[3] "that mere measures of coercion would be carried through all their several stages in the face of an actual majority that had decided in favour of another principle of proceeding?"

Yet it was admitted by all that things could not go on as they were. Lord Anglesey wrote on July 26, in this sense:—[4]

"Few, very few, even of the reputed Orangemen now dispute the fact that [the question] must at no distant date be adjusted. Every hour increases the difficulty of adjustment. What would have been considered as a perfect boon but a few years—I may say but a few months ago—would not, I apprehend, be now very gratefully received; and that which might by possibility be effected now, whilst we have external peace

[1] *Memoirs*, i., p. 121.

[2] It is true that in the following year the House did pass such a law; but it was brought in as part of a general scheme for the pacification of Ireland. Had it been brought forward as an isolated measure, it is, to say the least, questionable whether it would have been passed.

[3] *Memoirs*, p. 286. [4] *Ibid.*, p. 164.

and internal plenty, would in all probability be rejected with disdain at some future time and under opposite circumstances."

These sentiments show plainly enough in which direction Lord Anglesey's thoughts were moving, and Peel's own ideas were in fact travelling in the same direction. He was rapidly coming to the conclusion that concession to the demands of the Catholics—however undesirable he considered it in itself—was the lesser of the two evils.

The Duke of Wellington's mind was likewise changing, though he does not seem to have progressed so far as Peel had. Early in the recess, he drew out a memorandum which he sent to Peel, who was then staying at Brighton, for consideration. In this memorandum he proposed an annual suspension of the laws excluding Catholics from Parliament, accompanied with certain restrictions as to the number who should be allowed to sit, and disqualifying them from voting on certain classes of subjects, thus accepting Sir Robert Horton's proposal that they should not vote on questions in any manner, directly or indirectly, affecting the Established Church. Such was the Duke's first idea of "concessions" which were to solve the Catholic question and to effect the pacification of Ireland.

Peel did not fail to see that these proposals were wholly inadequate. He answered the Duke by a letter, dated August 11, giving his views on the whole situation and enclosing a memorandum in answer to that of Wellington. In his letter he definitely and irrevocably committed himself to a policy of concession. He wrote as follows:—[1]

"I cannot deny, that the state of Ireland under existing circumstances is most unsatisfactory; that it becomes necessary to make your choice between different kinds and different degrees of evil—to compare the actual danger resulting from the union and organisation of the Roman Catholic body and the incessant agitation in Ireland with prospective and apprehended dangers to the constitution or religion of the country; and maturely to consider whether it may not be better to encounter every eventual risk of concession than to submit to the certain continuance, or rather perhaps the certain aggravation, of existing evils.

"Take what view we may of the Catholic question, we

[1] *Memoirs*, i., p. 182.

must admit that we labour under this extreme and overwhelming embarrassment with reference to the present condition of Ireland: that the Protestant mind is divided and very nearly balanced upon the most important question relating to Ireland.

"We cannot escape from the discussion of that question, and we cannot meet it without being in a minority in one branch of the Legislature. . . .

"Whatever be the ultimate result of concession, there would be an advantage in the sincere and honest attempt to settle the question on just principles, which it is difficult to rate too highly in the present state of affairs. . . .

"I am ready at the hazard of every sacrifice to maintain the opinion which I now deliberately give,—that there is upon the whole less of evil in making a decided effort to settle the Catholic question, than in leaving it, as it has been left, an open question—the Government being undecided with respect to it, and paralysed in consequence of that indecision upon many occasions peculiarly requiring promptitude and energy of action."

In his memorandum, accompanying this letter, Peel respectfully but firmly gave his opinion that concession on the lines suggested by the Duke of Wellington would be worse than useless.

"Whenever it is once determined that an attempt should be made by the Government to settle the Catholic question," he wrote, "there can be, I think, but one opinion—that the settlement should be, if possible, a complete one. Partial concessions would be of no use: they would give power to the Roman Catholics without giving satisfaction."

A little later on he added:—

"My answer to the first query,—what shall be the condition of the Roman Catholics in respect of civil rights—is a very short one. I should answer at once, equality, equal capacity with other classes for the enjoyment of the offices and distinctions of the State. I do not mean to say that there must be no exception as to particular offices; but I think the ruling principle must be equality of civil privilege. By any material departure from that principle you would gain nothing in point of security; you would resign the grace and advantage of

concession, and you would deprive your arrangement of the character of permanency."

For a similar reason, Peel deprecated all idea of Catholics being allowed in Parliament on sufferance, from year to year; their tenure should, he said, be the same as that of any other member, namely the duration of a single Parliament. Yet he expressed willingness to restrict their numbers, and boldly said that so far as the House of Lords was concerned, this could be easily effected by the King refraining from raising a Catholic to the Peerage.

Although the two most important members of the Government were now in favour of Emancipation, there were many difficulties yet to be overcome, not the least being the implacable opposition of the King—for the royal influence was in those days a paramount factor in all legislation. Wellington and Peel wisely held their peace, to allow the situation to develop during the recess. Nevertheless, the fact that they had become favourable to concession was largely whispered abroad. Lord Eldon, writing in September, said,[1] "I look on the Roman Catholic question as, bit by bit, here a little and there a little, to be ultimately and at no distant date carried." The feeling of Protestant England was aroused, and many petitions were prepared to protest against Catholic Emancipation. At a meeting held at Pennenden Heath, in Kent, for the purpose of voting a petition against Emancipation, Sheil boldly attended and spoke on the opposite side. In order to put himself in order, he had previously bought a small property in the county. At the meeting he was shouted down; but he had his speech printed, and it circulated largely throughout the country.

In the meantime the agitation in Ireland showed no signs of abating. The "Algerine Act" had recently expired, and the Government, in view of its futility in the past, wisely decided not to renew it. Immediately on its expiry, the Catholic Association was re-established on its original basis; that is, it openly professed to be, what in truth it was, a political association. It had lately been extending its activities. Numerous parochial clubs had been formed, and a more systematic organisation created for the collection of the "rent". This

[1] *Life of Lord Eldon*, p. 56.

naturally gave rise to a counter-movement on behalf of the Protestants, and a large number of similar societies were organised under the name of "Brunswick Clubs," consisting, of course, for the most part of members of the upper classes. They even attempted to establish a Protestant rent on the same lines as those adopted by the Catholic Association. The feeling between Catholics and Protestants increased in bitterness. Mr. Dawson, member for Derry, a brother-in-law of Peel, declared in a public speech that the Government were so utterly unable to cope with the situation that he saw no alternative but to capitulate to the Catholics and give them what they asked for. Such a conclusion was not likely to be accepted by the Orangemen in general: the tension became extreme, and civil war seemed imminent.

In the south of Ireland, where there were practically no Protestants, the state of affairs was not much better. During the months of August and September a number of assemblies of an alarming nature took place. They seem to have originated in the first instance in well-intentioned efforts on the part of the Catholic Association to suppress secret societies, which had given signs of recrudescence, and to heal animosities and restore peace. In this they were very successful. Men assembled in large numbers, and many reconciliations took place. The crime in the country diminished almost to vanishing point, and the judges were able to congratulate the magistrates on the condition of the country.

But the reconciliation meetings in the towns grew numerous and enthusiastic. They gloried in their discipline and obedience to the Catholic Association, which practically ruled the country. Gradually they assumed a quasi-military discipline, adopting a green uniform and carrying green banners and flags. In this manner they paraded the country, marching to the tune of their bands. They carried no arms, and few actual riots occurred; but their numbers and discipline made them a menace to peaceable citizens. Indeed it would appear that many of them at Tipperary—which was the centre of the movement—and elsewhere, expected at a suitable moment to be called upon to take up arms.

At length the Government determined to take action to put them down; and on October 1 a proclamation to this effect

was issued by the Lord Lieutenant. He had, however, been anticipated by the Catholic Association. At their meeting on September 26, they commissioned O'Connell, to whom the pacification of Tipperary had been due, to use his influence to suppress the assemblies. He accordingly issued an address to them, begging them to disperse. He asked them to continue their agitation, but always in a peaceable and orderly manner, and not to break the law. His influence was as usual omnipotent, and the assemblies were discontinued.

Lord Anglesey, living as he did in the midst of these scenes, could not fail to see the seriousness of the situation. Writing to Lord Francis Leveson Gower, the Chief Secretary for Ireland, so early as July 31, he spoke thus :—[1]

"I know the country to be in a very disturbed state. I can do nothing more than I have done. I think if the first moment of calm is not seized to declare for an adjustment, the Government must expect very serious disturbances. On the Duke of Wellington's intentions my own course must depend. I will exert myself to keep the country quiet and put down rebellion under any circumstances, but I will not consent to govern this country much longer under the existing laws."

In a letter to Peel he added :—

"The Brunswickers are rivalling the Association in violence and in rent. Two Associations and two rents are rather formidable."

From the tone of his letters, it is evident that Lord Anglesey realised that they were nearing the parting of the ways ; very soon either concession must be made or the Government must be ready to employ force on a large scale. And Lord Anglesey was fast leaning to the former alternative. Writing to the Duke of Wellington, on September 24, he said :—[2]

"I have known for a considerable time, and a recent communication has strongly corroborated the fact, that the Catholic question may be adjusted at this moment with more facility (upon as good terms and with as little opposition) on the part both of the Bishops and of the agitators as at any other period."

In reply to this letter, the Duke said definitely that he could never support Catholic Emancipation until it could be brought

[1] *Hansard*, xxi., c. 997. [2] *Ibid.*, c. 1023.

forward as a Government measure, and that so long as the King remained opposed to it, this could never be done.

It would appear from the correspondence that the Duke was beginning to mistrust Lord Anglesey, in view of the latter's declared leanings towards concession. The Duke showed himself determined to maintain order, by pouring in troops to the country simultaneously at Belfast and Waterford; but the Marquis of Anglesey did not seem to respond with the requisite vigour of action. A case arose when it was proposed to remove the O'Gorman Mahon and another from the magistracy, in consequence of behaviour which Lord Anglesey admitted was "unbecoming"; but he considered no sufficient case had been made out for so drastic an action as deposing them, and he refrained from doing so. The Duke wrote to him on November 11, complaining of his inaction; and also regretting that he had stayed at the house of Lord Cloncurry, who immediately afterwards attended a meeting of the Catholic Association. "The doubts which are entertained respecting the legality of the Roman Catholic Association," he wrote;[1] "the language which has been held there respecting the King himself, his royal family, the members of his Government, your colleagues in office, and respecting nearly every respectable member of society, and the unanimously expressed detestation of the violence of the Association, might be reasons for omitting to encourage any of its members by the countenance or favour of the King's representative."

The Marquis of Anglesey wrote a spirited letter in reply, resenting the aspersions on his loyalty, and defending himself on the points raised, and at the same time complaining that he had been kept in ignorance of the Duke's policy with respect to Ireland. The correspondence was continued in the same strain on both sides, with the result which could be foreseen. On December 28, the Duke wrote that "The correspondence . . . [has] left us in a relation towards each other which ought not to exist between the Lord Lieutenant and the King's Minister," and indicated that he would be recalled.

In the meantime further developments took place in the well-known correspondence with Archbishop Curtis. Profiting by his personal friendship, he had written to the Duke, calling

[1] *Hansard*, xxi., c. 1003.

upon him to do something for the distracted state of Ireland. The Duke answered on December 11, 1828, in the following terms:—[1]

"My Dear Sir,

"I have received your letter of the 4th instant, and I assure you that you do me justice in believing that I am sincerely anxious to witness the settlement of the Roman Catholic question, which by benefiting the state, would confer a benefit on every individual belonging to it. But I confess that I see no prospect of such a settlement. Party has been mixed up with the consideration of the question to such a degree and such violence pervades every discussion of it that it is impossible to expect to prevail upon men to consider it dispassionately. If we could bury it in oblivion for a short time, and employ that time diligently in the consideration of its difficulties on all sides (for they are very great), I should not despair of seeing a satisfactory solution.

"Believe me, my dear Sir,

"Ever your most faithful humble servant,

"Wellington."

This letter was sent by Archbishop Curtis to O'Connell, who read it at the next meeting of the Catholic Association, and opinions were much divided as to its import, some professing to see in it an admission that the Duke had been converted to a policy of concession; while others quoted his words, "I see no prospect of a settlement" as proof of a contrary meaning. Dr. Curtis replied by urging the futility of the Duke's request that the question should be buried for a time. In the then state of Ireland, such an idea was wholly ludicrous.

The Duke resented very much the fact of his letter, which he meant for a personal communication, having been published. But he resented still more that Lord Anglesey wrote a letter to the same archbishop, dated December 23, commenting on it. This letter was indeed marked "Private and Confidential"; but as soon as Lord Anglesey learnt that he was to be recalled, he gave leave for its publication. It accordingly appeared in the press on January 1, 1829. In it Lord Anglesey declared

[1] The text of this well-known letter, as well as of that of Lord Anglesey quoted below, is given in the *Annual Register* for 1828.

himself openly in favour of Emancipation. The following is an extract from it:—

"Your letter," he wrote, "gives me information upon a subject of the highest interest. I did not know the precise sentiments of the Duke of Wellington upon the present state of the Catholic question. Knowing it, I shall venture to offer my opinion upon the course that it behoves Catholics to pursue.

"Perfectly convinced that the final and cordial settlement of this great question can alone give peace, harmony and prosperity to all classes of his Majesty's subjects in this Kingdom, I must acknowledge my disappointment on learning that there is no prospect of its being effected during the ensuing session of Parliament. I, however, derive some consolation from observing that his Grace is not wholly averse to the measure; for if he can be induced to promote it, he of all men will have the greatest facility in carrying it into effect. . . .

"I differ from the opinion of the Duke that an attempt should be made to 'bury in oblivion' the question for a short time. First, because the thing is utterly impossible; and next, if the thing were possible, I fear that advantage might be taken of the pause by representing it as a panic achieved by the late violent reaction, and by proclaiming that if the Government at once and peremptorily decided against concession, the Catholics would cease to agitate, and then all the miseries of the last years of Ireland would be re-acted.

"What I do recommend is that the measure should not be for a moment lost sight of—that anxiety should continue to be manifested—that all constitutional (in contradistinction to merely legal) means should be resorted to to forward the cause; but that at the same time the most patient forbearance—the most submissive obedience to the laws, should be inculcated; that no personal and offensive language should be held towards those who oppose the claims."

As a result of the publication of this letter, Peel wrote, in the name of the King, to recall Lord Anglesey without further delay. He left Ireland on January 19, amidst the genuine expressions of grief on behalf of all the people, whom he had completely won over by his sympathetic attitude towards them. He was succeeded by the Duke of Northumberland, who was

meant to be, and was, little more than a figurehead, and had no appreciable influence on political events.

On the day of Lord Anglesey's departure, O'Connell is described as dejected. But two days later, a new cause of hopefulness appeared, for a large meeting of Protestants was held in the Rotunda at Dublin to sympathise with the Catholics, and they declared themselves unanimously in favour of Emancipation. And in point of fact, events were taking place in London at that very time which were destined to be decisive in O'Connell's favour. For it was in the first half of January, 1829, that the Duke of Wellington and Peel came to close quarters with their proposed new Irish policy. By this time the Duke had in private pronounced definitely in favour of Emancipation. The difficulties with which it was surrounded, however, did not diminish. The Duke had interviews with the leading bishops of the Established Church, and found them opposed to the measure. The King's opposition showed no sign of abating; and now, to crown all, Peel declared that he considered it necessary that he should resign. He had no wish to conceal the fact of his having changed his opinions, and was willing to give the new policy his independent support; but he considered that it would conduce to the success of the Emancipation Bill if some one was to bring it forward who had been favourable to the cause throughout. "If I were to remain in office," he wrote,[1] "I might have, and probably should have, to conduct through the House of Commons a measure to which I have been uniformly opposed. Putting all private considerations out of the question—should I stand in such a position in reference either to those who have supported the question or those who have opposed it, as could make it advantageous that the conduct of any measure for the adjustment of the Catholic question should be committed to me?

"I am bound to tell you that, in my opinion, I should not."

All these difficulties, added to the general anti-Catholic feeling through the country, might well have dismayed one with less courage and perseverance than the Duke of Wellington. He was not, however, the man to turn back after definitely committing himself to a policy, and this was none the less so

[1] *Memoirs*, i., p. 283.

although he had been led to adopt that policy by force of circumstances, not by conviction. In this we cannot but admire his straightforward courage and patriotism. He had made up his mind that Emancipation was for the good of the country; he believed that no one but himself would ever have enough influence to carry it through; therefore, much as he disliked it personally, he determined to endeavour to carry it.

He began by bringing the matter before the King. Peel had drawn out a long memorandum embodying his views on the question;[1] this memorandum the Duke presented to the King. The burden of it was a plea that there was no alternative policy within the range of practical politics. As evidence of the disturbed state of the country, he appealed to the fact that "out of a regular Infantry force in the United Kingdom amounting to 30,000 men, 25,000 were stationed either in Ireland or on the West coast of England with a view to the maintenance of tranquillity in Ireland—this country being at peace with the whole world." He declared that the excitement throughout Ireland was so great that in any cases where political or religious interests were involved, it had become almost impossible to administer justice: and that trial by jury was rapidly becoming impossible. The difficulty of the state of affairs was, he said, strengthened by the House of Commons having expressed its opinion in favour of concession, and the strife between the Commons and the Lords which arose in consequence affected the government of the whole nation.

"My advice therefore to his Majesty," he concludes, "will be not to grant the Catholic claims, or any part of them, precipitately and unadvisedly, but in the first instance to remove the barrier which prevents the consideration of the Catholic Question by the Cabinet—to permit his confidential servants to consider it in all its relations, on the same principles on which they consider any other great question of public policy, in the hope that some plan of adjustment can be proposed on the authority and responsibility of a Government likely to command the assent of Parliament, and to unite in its support a powerful weight of Protestant opinion, from a conviction that it is a settlement equitable towards the Roman Catholics, and safe as it concerns the Protestant Establishment."

[1] *Memoirs*, p. 284 *seq.*

We have given the last paragraph in full, as it was in that form that the King eventually gave his reluctant consent. Before agreeing to it, he requested each of the members of the Government who had previously been opposed to Emancipation to wait on him, and he saw them all separately, including Peel himself.

"The King, after this interview, intimated his consent that the Cabinet should consider the whole state of Ireland, and submit their views to his Majesty; his Majesty being by such consent in no degree pledged to the adoption of the views of his Government, even if it should concur unanimously in the course to be pursued." [1]

This consent, grudging and scanty as it was, was sufficient for the moment. It became possible henceforward to discuss the question freely with the Cabinet.

The next act of the Duke was to write to Peel to beg of him to withdraw his resignation. "I tell you fairly," he wrote to him,[2] "that I do not see the smallest chance of getting the better of these difficulties if you should not continue in office. Even if I should be able to obtain the King's consent to enter upon the course which it will probably be found the wisest to adopt, which it is almost certain that I shall not if I should not have your assistance in office, the difficulties in Parliament will be augmented tenfold in consequence of your secession, while the means of getting the better of them will be diminished in the same proportion."

To this request, Peel at once gave his consent. He withdrew his resignation, and undertook the care of the contemplated bill for Catholic Emancipation. The ground was now clear up to the time of the meeting of Parliament, and the succeeding days were devoted to drawing out in detail a scheme of the new Irish policy to be proposed to the legislature.

Emancipation now seemed really within sight. Most unfortunately at this very time there was a recrudescence of the dissensions among the Catholic body, which threatened serious consequences. On January 21, a special meeting of the British Catholic Association was held, which calls for a detailed account.

[1] *Memoirs*, p. 297. [2] *Ibid.*, p. 295.

In order to trace the origin and cause of the meeting, we must go back two months to November, 1828, when at an ordinary meeting of the association Mr. Blount made a speech on the occasion of the presentation of a petition for *unconditional* Emancipation. In the official report of this speech the following words occur:—[1]

"Much has been said of the effect on the public mind of the word *unqualified* being admitted into the petition that is submitted for your adoption. If by the introduction of that word any individual could be led to suppose that we in any degree pledged ourselves to refuse Emancipation if it were accompanied by any conditions, I for one would sooner cut off my hand than sign it. I ask unconditional, unqualified, unrestricted Emancipation, because I do not acknowledge the justice or expediency of imposing any terms upon us. The imposition of conditional terms is unjust, because that imposition implies distrust and we do not deserve it; and it is inexpedient and impolitic, inasmuch as the advantages of the boon will be lessened if it be ungraciously accorded. On the other hand, I solemnly protest against wanton imputations being cast on most honourable men, who presume in sincerity to suggest that the question of securities ought to be entertained. . . . If aught may be required from us as the price of our rights that is inconsistent with our religious principles, we will reject the treacherous gift with scorn. We have preferred proscription, humiliation and disfranchisement to relief purchased by the sacrifice of conscientious obligation. . . . But if on the other hand the Government shall think fit to be just and shall tender to us rights of British subjects and the glorious privilege of freemen on terms consistent with a strict adherence to our principles, we will accept the proffered boon with gratitude; and will prove that gratitude by our unaltered and unalterable allegiance to our Sovereign and our determined support of the full and imprescriptible rights of the people."

These sentiments would of course have been unpalatable to the Irish, and apparently O'Connell thought it necessary that some kind of protest should be made against them, lest

[1] See *Truthteller*, November 15, 1828, p. 237.

in the hoped-for Emancipation Bill, the whole question of the Veto and *Exequatur* should be raised anew. He therefore called a meeting of the Irish Catholic Association, which was held at the Corn Exchange, Dublin, on December 9, 1828, when he proposed the following drastic resolution:—

"That Mr. Eneas McDonnell do take measures to have the question of 'conditions' brought before the Catholic Association of England: and if that body should not reject the sentiments expressed by their secretary, Mr. Blount, on that subject, that he do cease all intercourse with them as our agent".

The resolution was seconded by the O'Gorman Mahon, and carried unanimously. As soon as this resolution had been forwarded to Mr. Blount, a requisition was also sent to him, to call a special meeting to discuss it. The requisition was signed by Mr. Eneas McDonnell himself, who was a member of the British Catholic Association, and thirteen others, nearly all Irish by nationality.[1]

It was manifest that the meeting would not be a peaceful one. The members of the British Catholic Association who were Irish by descent formed indeed the minority; but they were numerous enough to assert themselves; and in some centres of population outside London, as, for example, at Liverpool, they were in the majority. For some time past there had been a certain distrust growing up between the two sections of the association; and it was said that they were only held together by Mr. Blount's personal influence and tact: for while himself belonging to one of the aristocratic families, he had considerable sympathies with those who spoke of themselves as the democratic party. But there were others besides the Irish who were opposed to accepting "securities" or "conditions"; it was therefore a favourable opportunity for the more extreme members of that party to bring matters to an issue. Grave apprehensions were felt as to what would happen.

The meeting was held, as stated, on January 21, 1829.[2] In

[1] Thomas Murphy, Edward Dias Santos, John Rosson, C. P. Sullivan, G. Orpwood, John Grady, James Appleby, J. P. Devereux (one of the Irish delegates of 1793), W. Roberts, R. O'Connell, P. Crowe, C. Hand and J. Eldred. The original is among the *Westminster Archives*.

[2] See the accounts in the *Catholic Miscellany*, February, 1829, p. 65, and *Truthteller*, January 24, 1829, p. 138.

Edward Blount

accordance with custom, the public were admitted, and an unlooked-for number assembled. It was said that there were well over a thousand present. The room which had been hired at the Freemasons' Tavern was far too small, and they had to adjourn to the large hall, which was fortunately unoccupied at the time. Mr. Blount was there ready to defend himself, but all the other members of the Catholic aristocracy stayed away. The Duke of Norfolk, the Earl of Shrewsbury, the Stourtons, Cliffords, Petres, Jerninghams, etc., were only conspicuous by their absence. To hold a Catholic meeting in those days without any of the members of the old families was almost equivalent to the play of "Hamlet" with the Prince of Denmark omitted. On the motion of Mr. T. Murphy, Mr. Wheble took the chair.

The anticipations of turbulence were unfortunately more than realised. The meeting began at noon and lasted till after ten o'clock at night. Mr. Blount acted throughout with temper and patience. At the beginning he pointed out that the meeting being a special one for a particular purpose, it must be confined to that purpose, and requested that they should continue till a decision was arrived at, without any adjournment.

Mr. Eneas McDonnell then opened the attack, and spoke for over two hours, at the end of which he moved a resolution to the effect that Catholics demanded a "total, unqualified and unconditional repeal of all laws restricting the full enjoyment of civil and religious liberty," and "must ever deprecate and resist by all constitutional means" all "securities or conditions attached to any Bill".

An amendment having been proposed, to the effect that Mr. Blount's sentiments "have our entire approbation," Mr. Blount rose and read an explanation of what he had said in his speech and the circumstances under which he had said it. It was proposed that this explanation—which was couched in most conciliatory terms—be reported to the Catholic Association of Ireland; but Mr. Eneas McDonnell, as their agent, refused to agree. A long and heated debate followed. As the evening wore on, many people left; but still the argument continued, the meeting at times becoming heated, then resuming a calmer frame. The numbers became smaller and

smaller, until when soon after ten o'clock the amendment was put to the vote, there were less than 100 persons present, of whom only 35 were members of the Association. Of these 18 voted for the amendment, and 17 against it—a majority of a single vote in favour of Mr. Blount.

Mr. Eneas McDonnell reported this result to Ireland and asked for instructions; to which O'Connell replied that no further instructions were necessary, for he had already been told, in the event of such a vote, to break off all communication with the British Catholic Association. Mr. McDonnell, however, had no opportunity for acting on this reply, for the British Catholic Association ceased their monthly meetings. The leaders of the Catholics who had stayed away considered that any further meetings would only renew the strife, and it would be better for the common cause to let the association die a painless death.

In commenting on this unfortunate incident, Mr. Wyse takes the opportunity to make a general comparison between the Irish and English Catholic Associations:—

"The British Catholic Association, sitting in London, was," he says,[1] "of unquestionable utility. Difference of situation had produced difference of character, and rendered a difference of policy necessary. It was as unreasonable to ask from them our agitation and activity as from us their gentleness and exceedingly placid temper. We had different manœuvres to execute in the same field for the same object, to each of which we were respectively adapted. It would be preposterous to require of the cavalry the service of the infantry, or of the infantry the service of the cavalry. This was not always kept in sight. Hence a great deal of unnecessary and injurious suspicion and rebuke."

Coming to the question in point, he proceeds:—

"To call upon a body for a solemn disclaimer of the opinions of any member, however influential, is a most false principle and would lead if admitted to endless injustice and inconvenience. . . .

"As to the manner in which the censure was communicated," he concludes, "public opinion has already pronounced on it; and public opinion has pronounced as it ought."

[1] ii., p. 56.

CHAPTER XLVIII.

CATHOLIC EMANCIPATION.

In the King's speech read at the opening of Parliament on February 5, 1829, the following words occur:—

"My Lords and Gentlemen,

"The state of Ireland has been the object of his Majesty's continued solicitude.

"His Majesty laments that in that part of the United Kingdom an Association should still exist which is dangerous to the public peace and inconsistent with the spirit of the Constitution; which keeps alive discord and ill-will amongst his Majesty's subjects; and which must, if permitted to continue, effectually obstruct every effort permanently to improve the condition of Ireland.

"His Majesty confidently relies on the wisdom and on the support of his Parliament; and his Majesty feels assured that you will commit to him such powers as will enable his Majesty to maintain his just authority.

"His Majesty recommends that when this essential object shall have been accomplished, you should take into your deliberate consideration the whole condition of Ireland, and that you should review the laws which impose civil disabilities on his Majesty's Roman Catholic subjects.

"You will consider whether the removal of those disabilities can be effected consistently with the full and permanent security of our establishments in Church and State, with the maintenance of the Reformed Religion established by law, and of the rights and privileges of the Bishops and of the Clergy of this Realm and of the Churches committed to their charge.

"These are institutions which must ever be held sacred in this Protestant kingdom, and which it is the duty and determination of his Majesty to preserve inviolate.

"His Majesty most earnestly recommends to you to enter upon the consideration of a subject of such paramount importance, deeply interesting to the best feelings of His people, and involving the tranquillity and concord of the United Kingdom, with the temper and the moderation which will best insure the successful issue of your deliberations."

To any one accustomed to Parliamentary forms, this speech conveyed the information that the Government had a definite Irish policy to bring forward, which Peel in his speech described as "concession accompanied with measures of restriction and precaution". The "concession" was to be a very fair bill for Civil Emancipation; the "measures of restriction and precaution" were to include the destruction of the two instruments by which it had been won, which was to be effected by the suppression of the Catholic Association, and the disfranchisement of the Forty-shilling Freeholders in Ireland; and it was further indicated that the first-named of these two restrictive measures must be passed into law before the remainder of the scheme could be even discussed.

The proposals gave rise to long discussions in both Houses before any bills were brought in. For this there were abundant opportunities, both on the debate on the Address in reply to the King's speech, and also on the occasion of the presentation of petitions, both for and against Emancipation. These were more numerous than ever before. The official petition of the English Catholics was organised by Mr. Blount, having already been set on foot before the dissolution of the British Catholic Association. The petitions both for and against Emancipation were numbered by the hundred, coming from almost every town and county in the United Kingdom; and although there were a considerable number in favour of the Catholics, the great majority were on the other side. Before the first reading of the bill no less than 957 had been presented against Emancipation and only 357 in its favour. Further petitions continued to flow in so long as the bill was before Parliament. Every member of either House who presented one was entitled to speak to it, and the informal debates thus arising became wearisome in their length and monotony.

O'Connell arrived in London on February 10, accompanied by the O'Gorman Mahon and two others. On their journey

through England they were subjected to many annoyances and insults, for the "No Popery" feeling was aroused in many places. This was made up for by two incidents which he always spoke of with great satisfaction. One was that on his way through Birmingham he was met by the Rev. Henry Weedall, President of Oscott, with Rev. T. McDonnell, the priest of St. Peter's, Birmingham, who came to offer their best wishes. The other incident was more important in its consequences. Immediately on his arrival in London, the Duke of Norfolk and Mr. Blount called on him, and the former invited him to Norfolk House. Their object was, of course, to make peace after the disagreeable incident of the previous month, and their action was both manly and Christian. O'Connell accepted it in the spirit in which it was meant, and the division between the Irish and English Catholics was bridged over.

It had been O'Connell's intention to appear in the House of Commons immediately on his arrival, in order to claim his seat, and he had circulated an address to all the members, arguing his cause; but when he arrived, his friends strongly urged him not to complicate the situation for the time being, in view of the fact that the Government were now pledged to deal with the whole Catholic question. O'Connell not only agreed to postpone his own appearance in the House, but he also wrote to Ireland desiring that in order to show their appreciation of the action of the Government, they should dissolve the Catholic Association voluntarily, without waiting for the law to pass, which he said would be appreciated as a gracious act. When the time came he also agreed to the disfranchisement of the Forty-shilling Freeholders, exactly as he had done four years before, and without any protest. The only difference between the two occasions was that this time Emancipation was to be brought forward not as a private bill on what was officially considered as an open question, but as a Government measure, which those in power were pledged to do their best to pass.

Under these circumstances the Association Bill went through the House rapidly. Its provisions were drastic and arbitrary. The futility of trying to word an Act so that it should cover a particular association had been proved on the last occasion: this time a more efficient course was pursued. The whole was

to be left to the discretion of one man—the Lord-Lieutenant. It was to be competent for him to proclaim any meeting or association which in his opinion was of a character dangerous to the public peace; and any such meeting could be suppressed by force. Moreover, any association which had been so proclaimed was to be made incapable of receiving or holding money as rent or otherwise. The bill was read the first time on February 10. Two days later the second reading was passed without a division. On the following day the committee stage was disposed of, and on the 17th the bill was read a third time. It was at once taken to the House of Lords for first reading; two days later the second reading took place; and after passing rapidly through committee it reached its final stage of third reading on February 24. It received the royal assent on March 5.

The ground now seemed clear for the introduction of the Emancipation Bill: yet twice within a fortnight the whole policy of the Government seemed on the point of breaking down. The first occasion was due to the manly action of Peel, who in view of his complete change of policy thought it only proper to resign his seat, in order to give his constituents—who were no less people than the graduates of the University of Oxford—the opportunity of electing another representative, should they feel disposed to do so. Accordingly, on February 20, he accepted the stewardship of the Chiltern Hundreds, and offered himself for re-election. In Oxford itself there was a strong party in his favour, especially as they appreciated his good feeling in resigning when there was no absolute necessity for his so doing. But with the help of the non-resident voters, the opponents of the Catholics secured a majority. They invited Sir John Inglis to stand, which he did with success. When the poll closed the numbers were: Inglis 755, Peel 609; majority for Inglis 146.

It now became a matter of urgent necessity to provide Peel without delay with a seat in the House of Commons. If he could have been kept out for the remainder of the session—a not very remote contingency, considering the anti-Catholic feeling that had been aroused in the country—it would have become difficult, if not impossible, to carry out the measures proposed by the Government. Fortunately a vacancy arose

just at this time in the small borough of Westbury, in Wiltshire, and by the influence of the patron, Sir Manasseh Lopez, the return of Peel was secured, though not without some difficulty, for the "No Popery" cry had reached even that out-of-the-way part of the country. Peel himself, alluding to his own election, writes as follows:—[1]

"It was fortunate for me that [the election] ceremony was not unduly protracted. Very shortly after my return had been declared by the proper officer, the arrival of a Protestant candidate in a chaise and four from London was announced. If he had entered the town a few hours earlier, it is highly probable that I should have fared no better at Westbury than I had done at Oxford."

Peel took his seat for his new constituency on March 3: that same evening he received the King's commands to attend at Windsor with the Prime Minister and Lord Chancellor early the following day. Once more the whole policy of the Government seemed on the verge of collapse, for the King had taken fright and declared that he had never consented to, or even understood, the proposal that the Oath of Supremacy should be dispensed with. It was indeed true that he had not consented in so many words, but he had undoubtedly tacitly sanctioned the action of the Government which implied that such was to be the case. It appeared, however, that his feelings had got the better of him, and he was determined to withdraw his sanction.

The audience lasted no less than five hours. At the end the King asked what they would do if he persisted in the withdrawal of his sanction, to which both Peel and the Duke of Wellington replied that they would have no alternative but to resign office. To this the King answered by accepting their resignations, adding his assurances that in his opinion they had acted straightforwardly and honourably.

The Ministers accordingly returned to town under the impression that they had ceased to be servants of the Crown; and they reported this to their colleagues, whom they found gathered together at a Cabinet dinner. But again the King's counsels underwent a change. He was afraid to face the situation which the resignation of the Government would have

[1] *Memoirs*, ii., p. 342.

created, and the next evening he sent a letter to the Duke of Wellington, begging him to withdraw his resignation, and authorising him to proceed with the Emancipation Bill.

On the following day, therefore—that is, Thursday, March 5—the new bill was brought in by Peel. The importance of the occasion was marked by a call of the House; but this was quite unnecessary. No member was likely to be absent if he could possibly help it on such a night. The competition for places in the strangers' gallery was very keen. Although it was not to be opened until after the call, at six o'clock in the evening, Hansard says that so early as ten in the morning the crowd had begun to assemble outside, and many remained for hours after the gallery was filled, in the hope of obtaining admission later on for at least part of the first night's debate.

Peel's speech occupied four hours in delivery, and every word to the very end was listened to by the crowded House with close attention.[1] In order, as he tells us, that there should be no question as to his authority to speak, he began with the solemn statement:—

"Mr. Speaker, I rise as a Minister of the King and sustained by the just authority which belongs to that character, to vindicate the advice given to his Majesty by a united Cabinet".

He then proceeded to give the chief reasons which had induced the Government to adopt their new policy:—

"The outline of my argument is this," he said; "we cannot continue stationary. There is an evil in divided Cabinets and distracted councils which can be no longer tolerated. This is my first position. I do not say in the first instance what we are to do in consequence. I merely declare that our present position is untenable. Supposing this established, and supposing it conceded that a united Government must be formed, in the next place I say that that Government must choose one of two courses. They must advance, or they must recede. They must grant further political privileges to the Roman Catholics, or they must retract those already given."

He then proceeded to give his reasons which had induced him, as a matter of practical politics, to advocate the former course in preference to the latter; and then he continued:—

"I determined to retire from office. I intimated my fixed

[1] The quotations of the speech given below are taken from Hansard.

intention in this respect to the Duke of Wellington; but I felt it my duty to accompany that intimation with the declaration not only that I would not in a private capacity any longer obstruct a settlement which appeared to me ultimately inevitable, but that I would advise and promote it. Circumstances have occurred, as I have already explained, under which I was appealed to to remain in office: under which I was told that my retirement from office must prevent the adoption of the course which I was disposed to recommend. I resolved, therefore, and without doubt or hesitation, not to abandon my post, but to take all the personal consequences of originating and enforcing, as a Minister, the very measure which I had heretofore opposed."

Having explained his own personal position, Peel proceeded to a close consideration of Irish history, beginning from the time of the Relief Act of 1793, and of the gradual change of opinion in favour of concession which he contended had shown itself both in the country and in Parliament. He added a further argument based on the change of opinion in Ireland itself, as evidenced by the late meeting of Protestants in the Rotunda at Dublin; and pointed out that the Irish Protestant members had voted to the number of 45 to 16 in favour of concession. As to the supposed danger to Protestantism, he said that there was none; for all the repressive legislation of past times had utterly failed to produce converts to Protestantism in Ireland; and the supposed difficulty about the King's Coronation Oath was one which he had never viewed in a serious light.

He then proceeded to unfold the clauses of the proposed bill. On the main provision of the bill, he spoke as follows:—

"I say at once the whole question turns upon admission to Parliament. Without this concession, every other will be useless, perhaps injurious; because the grant of other privileges, if this be withheld, will give no present contentment, and it will diminish the means by which the grant of this further privilege can be effectually resisted. If we are to relinquish the system of exclusion, let us secure the advantages of concession; if we are to settle the Catholic question, let us settle it at once and for ever—settle it, I mean, so far as political rights are concerned, by the restoration of equality. There is

no intermediate position defensible upon principle between the maintenance of the present civil disabilities in Ireland and their complete removal. Either policy—continued resistance or final adjustment,—is far preferable to an imperfect grant of privilege which leaves behind it a 'Catholic Question,' and ensures a renewed struggle for equal civil capacity."

The oath which was provided to be tendered to Catholics in place of those of Allegiance, Abjuration and Supremacy, will be found in full in the Appendix.[1] Let it suffice to say here that it was less objectionable than the oath of 1791, and there was no serious difficulty in Catholics taking it. It did indeed involve a repudiation of the so-called "Deposing Doctrine"; but such tenets as that it was lawful not to keep faith with heretics or to break oaths generally were not referred to, as Peel pointed out that it would be ungracious to allude to such doctrines which no serious person could suspect English Catholics of holding.

There was, however, one decidedly unpleasant clause in the oath, which was unlike anything which the English Catholics had ever before been called upon to swear, but similar to a clause in the Irish oath of 1793, which they had taken without demur ever since. It ran as follows:—

"I do hereby disclaim, disavow and solemnly abjure any intention to subvert the present Church establishment as settled by law within this realm: and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom".

In the Irish oath, the phrase used was to "disturb *and* weaken," and in defending Catholics taking it Dr. Troy had laid great stress on the word "and"; for he said it made the sense according to strict grammar to be "to weaken by disturbance". In Peel's bill, however, the words are "weaken *or* disturb". It must, however, be borne in mind that the Irish oath of 1793 was intended to be largely taken by the people; while the oath in Peel's bill was only for members of Parliament, and those elected to certain offices, who were able to discriminate niceties of language, and to understand how far they were really committed by the meaning of the Act. For

[1] See Appendix O.

plainly, neither Peel nor any one else would have looked upon ordinary persuasion to produce conversions, or the reception of converts, as an infraction of this clause in the oath. Bishop Doyle wrote about the matter in the following terms:—[1]

"The Oath I think may be taken, for it requires no pledge which a subject may not give to a Protestant State in return for social protection and civil rights. The 'privilege' which we swear not to employ to 'disturb or weaken the Protestant religion' is that derived from law, and is not that inherent right which every Christian man possesses, to employ reason and the weapons of the Gospel to enforce truth and oppose or refute error."

Although the relief granted by the bill centred on the right to sit and vote in Parliament, it was by no means confined to this. Moreover, while it was drawn out primarily with a view to Ireland, it applied also to England and Scotland, in which countries it conferred on Catholics the elective franchise, which their brethren in Ireland had enjoyed since the year 1793. In addition to all this, throughout the United Kingdom, Catholics were to be allowed to hold all civil and military offices (with a few specified exceptions) on like conditions, and to belong to any corporation. The only civil restrictions were that Catholics could not present to livings in the Established Church—any such living passing to the hands of the Archbishop of Canterbury—and that they were precluded from holding the offices of Regent, Lord Chancellor of Great Britain and Lord Chancellor of Ireland, and Lord Lieutenant of Ireland. These offices were excluded on the plea that the holders were direct delegates of the Crown. There were also some reservations with respect to the Ecclesiastical Courts in England and Ireland.

We come next to the question of "securities". Peel divided these into two classes, civil and ecclesiastical. The former were, he said, the two bills, to prohibit certain Associations in Ireland, and to raise the franchise, the latter of which was taken *pari passu* with the Emancipation Bill. With respect to ecclesiastical "securities," he gave his reasons why they had determined not to give the Catholic Church any kind of qualified "establishment" such as would follow from the

[1] *Life*, ii., p. 126.

payment of their clergy, and wisely decided that, as a consequence, the whole case in support of the Veto and *Exequatur* fell to the ground.

"We have therefore no Veto to propose," he said; "we ask for no control over the appointment of Roman Catholic Bishops, and we disclaim all responsibility for the fitness of such appointments. We do not believe that the power given to the Crown by a Veto would either have the advantage which its advocates have attributed to it, or would be open to the objections which have been urged against it by its opposers. On the one hand it would merely give to the Crown a nominal but ineffectual control; and on the other it would not be as has been apprehended by the Roman Catholics, vexatiously or capriciously used to the prejudice of their Church. We willingly therefore relinquish a 'Security' from which no real benefit will arise, but which might, after what has passed, detract from the grace and favour of the measures of relief."

Proceeding to the question of the *Placet* or *Exequatur*, he said:—

"So likewise with regard to the examination of the spiritual intercourse that subsists between the See of Rome and the Irish Roman Catholic Church. To such a power of examination to be vested in the hands of the Government of this country, I am not at all sure whether or not an objection would be made by the Roman Catholics; but I do not desire to inspect the correspondence and therefore feel no wish to raise the question. Being acquainted with the fact that an intercourse in spiritual matters does exist between the Irish Roman Catholic Church and the See of Rome, so far am I from thinking that a power of inspecting it would be satisfactory to the people of this country that I imagine it would have a contrary effect; and so far from wishing to examine it, I had much rather (and I believe the majority of the country is influenced by the same desire) that the Secretary of State should have no more to do in the way of interference with the spiritual affairs of the Romish Church than he has to do with the internal discipline and regulations of the Wesleyan Methodists."

Notwithstanding these sound views about the Veto and *Exequatur*, Peel did introduce into his bill certain ecclesiastical restrictions which form, from the Catholic point of view, a

serious disfigurement, and at one time threatened to cause the Catholics to reject the bill. Fortunately they did not proceed to such extremities, and in the event all of the restrictions became from the beginning almost a dead letter.

The clauses were three in number. The first had reference to what Peel, with unconscious humour, described as a practice which had "occasionally of late prevailed in Ireland," of the Catholic bishops adopting the titles of the ancient sees, which (he considered) belonged by right only to the bishops of the Established Church. We can hardly believe that Peel could have been ignorant that there had been absolute continuity of succession among the Catholic episcopate of Ireland, and that there never was a time when they hesitated to claim the titles of their sees. However, henceforth it was to become illegal for them to do so. This petty restriction might have been very annoying; but the Catholics took the wise line of ignoring it. O'Connell pointed out that the wording of the statute only forbade bishops to call themselves by their titles: others could address them by those same titles with impunity, and this they did. Nothing more was ever heard as to the enforcement of the prohibition.[1]

The second restrictive clause was the well-known one prohibiting religious celebrations by Catholics outside their churches or private houses. This clause was apparently based on a similar one in the Act of 1791. The matter came into prominence when the procession of the Blessed Sacrament which had been intended to take place in London in connection with the Eucharistic Congress in 1908 was prohibited by the Government. As the exact meaning of the clause has been the subject of much discussion, it will be of interest to give it in full:—

"And be it further enacted that if any Roman Catholic ecclesiastic or any member of any of the Orders, communities, or societies hereinafter mentioned, shall after the commencement

[1] This clause, like the rest of the bill, referred to England as well as Ireland, and it was in part due to it that when the Hierarchy was re-established in England in 1850, the names of the ancient sees were not adopted. In the few instances to-day, such as Liverpool or Birmingham, in which there are Protestant and Catholic bishops claiming the same title, the Catholic was in possession before the other. We have not adopted their titles, but they have in some instances adopted ours.

of this Act exercise any of the rites or ceremonies of the Roman Catholic religion, or wear the habits of his order save within the usual places of worship of the Roman Catholic religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of £50".

This restriction has perhaps been slightly more operative than the other two, for it has been threatened on more than one occasion to be put into operation; but for the most part it is an unnecessary clause, for Catholics are not likely to wish to perform any rite or ceremony outside their own churches except under such circumstances that the general public has no objection. It may be possible that a funeral passing through the streets, with the ministers in vestments, or one of the May processions such as have become customary in the east end of London and elsewhere, may contravene the letter of the law; but whether they do or not, they are not likely to take place in any district in which the general feeling is against them.

The third restrictive clause was the most important of all, and if it had ever been carried into effect, it must have led to serious trouble. It was aimed against the presence of Jesuits in England. It is possible that the fact of the restoration of the Society in England having been formally ratified a few weeks before had directed Peel's attention to the subject; but whatever the reason, this much is certain, that he inserted in his bill a provision for their ultimate suppression. His action is indeed an unfortunate justification—if one was needed—of Dr. Poynter's contention that the existence of Jesuits in England was in fact—however unreasonably—in the eyes of the Protestant public, an obstacle to Catholic Emancipation.

Although, however, it was the Jesuits who were avowedly aimed at in the first instance, the clause in fact included all "members of religious orders, communities or societies of the Church of Rome, bound by monastic or religious vows". It was enacted that every such person resident within the United Kingdom at the time of the passing of the Act should report himself to the Clerk of the Peace in the district where he lived, under a penalty of £50, and that a central register of such names should be formed. Moreover, any Jesuit or other religious who should in future enter the country was to be

deemed guilty of a misdemeanour and banished. Probably Peel had it in mind that it had been customary, for reasons which we have seen, for Jesuits to be professed abroad, and to return to England after profession.

Apart from these three restrictive clauses there were other negative faults in the ecclesiastical provisions of the bill. The three great grievances enumerated by the vicars apostolic at their synod at St. Edmund's College in 1803 all remained unremoved by Peel's bill. Marriages before Catholic priests continued to be invalid as law; Catholic soldiers and sailors were still without legal right to exempt them from frequenting Protestant worship; and Catholic property continued insecure, their charities being regarded as "superstitious uses". In fact, from first to last it was a layman's bill; and whereas the laity can justly date their Emancipation from 1829, in ecclesiastical matters whatever freedom of worship there was, dated from the Act of 1791. Indeed the clergy as a whole were really in a better position under the acts of 1791 in England and 1793 in Ireland than under Peel's act.[1]

According to the usual procedure in the House of Commons, this being a bill concerning the religious establishments of the country, the first step was for Peel to move that the House should go into Committee upon the subject. The debate lasted two nights, and was unfortunately marked with some acrimony, chiefly against Peel personally for having wheeled round so completely. Being supported, however, by the chief members of the ministerial majority, and by all the Whigs in Opposition, there was little risk of his being defeated. The second night's debate was on Friday, March 6, and lasted till three o'clock on Saturday morning, when the division took place. The result was, Ayes 348; noes 160. Hence the motion was carried by the substantial majority of 188. The House immediately went into Committee and passed a resolution in favour of an Emancipation Bill without further discussion. The bill was introduced the following Tuesday, read the first time, and ordered to be printed. At the same time the Disfranchisement Bill was read a first time and ordered to be printed.

[1] The first of the above-named grievances was subsequently removed by the Marriage Act of 1836; the second has also been remedied; but the third has up to the present day been only partially removed.

As soon as copies of the Emancipation Bill were circulated, they were eagerly scanned by the Catholic public. The impression created was on the whole favourable. Notwithstanding its defects, it was looked upon as an honest endeavour to settle the question which had so long agitated the nation. A meeting of the Irish Catholics in London was held at the Thatched House Tavern, who voted the presentation of a petition against the Disfranchisement Bill; but with respect to the Emancipation Bill, they "expressed the gratitude of the meeting for the boon that was to be extended to the Roman Catholics". O'Connell spoke of the bill as "good—very good; frank, direct, complete".[1] The British Catholics—those, that is, represented by the Catholic Association—were equally pleased with it.

This view, however, was not universal, and William Eusebius Andrews raised his voice to protest against it. After several ineffectual attempts to revive the old *Orthodox Journal* he was at that time editing a weekly periodical of much the same stamp, called the *Truthteller*. His journals had indeed never had the same interest as of old since Milner had ceased to write for them; but he always claimed the authority of Milner for the general line which he took. In this case, borrowing Milner's phrase, he spoke of "the Bill of Pains and Penalties misnamed the Emancipation Bill"; and declared that its provisions "denoted little short of the revival of another persecution". He said that "the relief would only reach a few aristocrats and lawyers, and would be attended with a further loss of liberty to the people, and a restriction on the spiritual functions of the Catholic clergy".

"How ardently do I wish," he wrote, "that I possessed the force, the eloquence and the influence of a Milner, that I might arouse you to a sense of that imminent danger which threatens not only your own civil rights, but the independence of the ministerial functions of a great portion of your devoted and revered clergy, and eventually the remaining portion not yet to be shackled"—and more of the same quality.[2]

Andrews was not quite alone in his views. The Rev.

[1] *Correspondence of O'Connell*, i., p. 174.

[2] See the *Truthteller*, March 7, 1829, p. 355; March 14, p. 357; April 11, p. 524, and elsewhere.

William Eusebius Andrews

Jeremiah O'Callaghan, an Irish priest then in London, wrote in the *Truthteller* to prove that the oath in the new bill could not lawfully be taken. He addressed a public letter to the Bishops of Ireland, and organised a petition against the bill from the Catholics of Dublin, which in a very short space of time received over three thousand signatures.[1] Numerous petitions were also drawn out in Ireland against the clauses on religious orders, and in some cases protesting against the bill as a whole. Dr. Coombes of Shepton Mallet—wrote and published a formal and argumentative letter to the Duke of Wellington, arguing against the justice or expediency of the clauses. No notice was taken of all these petitions and protests. The ministers apparently judged—and judged rightly—that in view of the substantial benefit of Emancipation, the opposition to the restrictive clauses would not be persevered in; but it is far from clear that either Peel or the Duke of Wellington contemplated their becoming a dead letter, from the beginning, as in fact happened.

There was also considerable opposition aroused, as was only to be expected, on the matter of the Disfranchisement Bill. Many persons, some of influence, considered that it was too high a price to pay even for Emancipation, and that the Catholics should threaten to refuse to accept the settlement unless it was withdrawn. This seems to have been at first O'Connell's own feeling. In his speech before the Clare election he had expressed his regret for having agreed in 1825 to the disfranchisement of the Forty-shilling Freeholders; adding "I have made full and ample reparation, and sooner would I now shed the last drop of my blood than consent to their disfranchisement".[2] But when the matter came forward in practical shape, he found that his friends in Parliament were not willing to support him in this extreme attitude, and he thought it prudent to give way, although by so doing he gave offence to many of his friends in Ireland.

The bill had a rapid passage through the House of Commons, occupying from first to last less than three weeks. Those who remained faithful to the Government supported it, as did the whole of the Opposition as a matter of course, and

[1] *Truthteller*, March 21, p. 416, and April 25, p. 589.
[2] MacDonagh's *Life of O'Connell*, p. 157.

the divisions showed large and decisive majorities. Those who voted against it were limited to the extreme Protestant wing of the Tory party. Among them was the Attorney-General, Sir Charles Wetherell, who not being in the Cabinet, had taken no part in the previous deliberations about it. He spoke in extreme language, and openly attacked the whole policy of the Government—a course of action which necessarily led to his retirement from the Ministry. Sir John Inglis was practically bound to speak against the measure, having been elected on that issue; and a new member, Mr. Michael Sadler, in a maiden speech, created quite an impression by his earnestness and eloquence. But all the bulk of the oratorical talent on both sides of the House was exercised in favour of the bill, and from the first it appeared certain that it would pass. The second reading was moved on the 17th—St. Patrick's Day—and after two nights' debate, was carried by a majority of 180—the numbers being 353 in favour, 173 against. It passed through Committee with very little change on March 23 and 24; the Report stage was taken on the 27th; and finally the third reading on the 30th. In the divisions in these various stages the majority was always large; the final one, for the third reading, being 178—320 in favour, 142 against.[1]

In the House of Lords there was more serious resistance to overcome. The first reading having taken place the day after it had passed the Commons, the motion for the second reading was made by the Duke of Wellington on April 2. He made no secret of his motives in recommending the bill. He said frankly that the disturbed condition of Ireland had been aggravated by recent events and must be faced; that partial concession was worse than useless; that "securities" were futile; and hence the Government had framed a measure to concede everything and ask for nothing in return—words which would have, to say the least, come with better grace if he had not accompanied Emancipation with a disfranchisement act. The Archbishop of Canterbury moved the official amendment, that the bill be read "this day six months," and he was supported by the (Protestant) Archbishop of Armagh, as well

[1] Among those who voted consistently against the Catholic claims can be found the name of Mr. William Ward, member for the City of London, the grandfather of the present writer.

as the Bishops of London and Durham. The debate lasted three nights. Among the speakers in favour of the bill were the Lord Chancellor (Lord Lyndhurst), the Marquis of Anglesey, Earl Grey, the Marquis of Lansdowne, Lord Goderich and Lord Plunkett. On the other side, of course, Lord Eldon took a prominent part, and he was supported by the Marquis of Salisbury, the Duke of Richmond, the Lord Chief Justice (Lord Tenterden) and others. The result of the voting was as follows:—

Content: Present, 147; Proxies, 70; Total, 217.
Not Content: Present, 79; Proxies, 33; Total, 112.
Majority for Second Reading, 105.

In the division lists, the strength of the Established Church was divided, ten bishops being in favour of the bill and sixteen against it.

The remaining stages were soon disposed of, the bill passing through Committee on the 7th and 8th, and the third reading taking place on the 10th, the final division resulting in 213 in favour of the third reading and 104 against it, the majority thus being 109. The dissentient peers to the number of between forty and fifty signed long reasoned protests against the bill, which were duly presented to the House.

The royal assent was given on April 13, when the bill became law; and ten days later it came into operation.

The Disfranchisement Bill went through at the same time, and met with little opposition. The Tories favoured it for the most part without question; the Whigs accepted it as the stipulated price—as Brougham put it, "the almost extravagant price"—of Catholic Emancipation. In the division on the second reading in the Commons only 17 members were found to vote against it, while 223 voted in its favour. In the House of Lords there were also 17 in opposition to the bill against 139 in its favour. It received the royal assent at the same time as the Emancipation Bill.

CHAPTER XLIX.

EMANCIPATED CATHOLICS.

THE last stages of the Catholic Relief Bill had gone through so rapidly that it was difficult for the Catholics of the day to realise that Emancipation had actually come. After the royal assent had been given, the next number of Andrews' *Truth-teller* appeared with a thick black margin, as though to celebrate the demise of Catholicism in the United Kingdom, with the heading: "Extinction of Civil and Religious Liberty in Ireland, through the Political Turpitude of the Catholic Aristocracy, Squirearchy and Lawyers".

This was not, however, the general view. The Catholics for the most part were well satisfied with the general result. If they abstained from public expression of their satisfaction, this was due to their consideration for the excited feeling in the country. The Duke of Norfolk did in fact propose an address of thanks to be presented to his Majesty; but he was dissuaded by the Duke of Wellington, who expressed a wish that Catholics should "no longer be heard of as a separate body" now that they were in possession of all their civil rights. It is probable that he had in his mind the fact that the Act had been carried against the known wishes of the King, so that it might be more considerate to spare him the necessity of receiving an address of thanks. When Charles Butler was presented he was graciously received; but when O'Connell's turn came the King with difficulty restrained his feelings.

The excitement in the country soon died down. After all, there were considerable numbers in favour of the bill, and although when it was before the House, and petitions were being organised, the Protestant feeling was aroused, once the matter was settled it was soon almost forgotten; and the agitation for Reform which followed immediately served to distract people's minds from the subject.

Five days after the Emancipation Act had received the royal assent, the Duke of Norfolk, Lord Dormer and Lord Clifford took their seats in the House of Lords as the first Catholics since the reign of Charles II. They were followed on May 1 by Lord Stourton, Lord Stafford and Lord Petre; and a little later by the Earl of Shrewsbury and Lord Arundell of Wardour. Only one Irish Catholic Peer was qualified for a seat in the House, namely the Earl of Fingall; unless indeed we may add the Earl of Shrewsbury, who was also Marquis of Waterford and Wexford.

The first Catholic member to take his seat in the Lower House was the Earl of Surrey, son of the Duke of Norfolk, and grandfather to the present duke. He was elected on May 4 to represent his father's borough of Horsham. The previous member, Mr. Hurst, was advanced in years, and only waited for the passing of the Act before resigning. As senior burgess he made a speech of welcome to the new candidate.

We naturally ask how it came about that the first Catholic member to take his seat was not O'Connell himself. The answer brings before us the oft-told tale of his appearance at the bar of the House of Commons, and being refused admittance. It was known that his right to take his seat for Clare would be questioned, as his election had taken place before the passing of the Emancipation Act. He was himself so anxious to be the first Catholic member that it is said that he offered a large sum of money for immediate election to a pocket borough; but as the negotiations fell through, it remained for him to try and take his seat for Clare.

After some delay, he presented himself in the House on May 15, being introduced by Lord Duncannon, member for Kilkenny, and Lord Ebrington, member for Tavistock. On being tendered the usual oaths, he claimed that he was not under the obligation of taking them, and applied to take his seat under the new Act, expressing his willingness to take the oath therein provided for. The Speaker, however, declared that the new Act was not retrospective, and directed him to retire. After a short debate it was decided that O'Connell should be heard at the Bar of the House in defence of his contention before a decision was come to.

Three days later he accordingly appeared at the Bar to

plead his own cause. He came dressed in black, wearing the medal of the Order of Liberators, and spoke for over an hour before a crowded House. By universal consent, he created a favourable impression. The writer in the *Annual Register*[1] says that "there were more points than one very strongly put, and which he delivered with a temperance very different from his customary displays in the Arena of the Association, and well-fitted to conciliate the good-will of the House". It has often been noted as illustrating the versatility of O'Connell's eloquence that he knew how to adjust himself to three such different audiences as are to be found in an Irish political meeting, a Court of Justice, and the English House of Commons. In his speech he covered all the ground, declaring that even if apart from the Emancipation Act he could not be lawfully excluded, using his old argument that no Act could apply to the present Parliament except the Act of Union or any legislation passed subsequently to that date. He then further pleaded that by the fair construction of the late Act, he ought to be admitted on taking the oath which it prescribed.

The debate which followed was conducted chiefly by the legal members of the House. O'Connell was opposed by the Solicitor-General in a long and able speech, and although he was supported by such authorities as Brougham, Sir James Scarlett, Mr. Sugden and others, Peel summed up with a strong speech against his admission, and on a division he was defeated by 190 votes to 116—majority 74. On the following day, therefore, when he again presented himself, the Speaker once more tendered him the oaths, which of course he refused to take. The Solicitor-General then moved that a new writ be issued for Clare. To this an amendment was proposed, that a bill should be rapidly passed to relieve O'Connell. After a short debate, the amendment was withdrawn and the writ issued, without a division. O'Connell had accordingly to seek re-election, and from a different set of constituents than before, owing to the raising of the franchise.[2] He was not, however,

[1] P. 109.

[2] According to the Act, the registers on the higher franchise were to be prepared immediately and to take effect without any interval. On subsequent occasions there was to be an interval of six months between the preparation of a new Register and its coming into force.

The Earl of Surrey

opposed, and on July 30 he was for the second time declared duly elected.

The action of the House in excluding O'Connell has often been spoken of as though it was due to personal dislike or as an unworthy reprisal in consequence of his political conduct; but in truth it is hard to see that the House had any choice in the matter, as indeed O'Connell had realised from the outset.[1] The wording of the Act is most explicit that the oath therein contained is to be available only for one "who shall after the commencement of this Act be returned as a member of the House of Commons". Even apart from the wording, it seems only reasonable to suppose that whereas the admission of Catholics was accompanied by a raising of the franchise, avowedly as a "security," the legislators could not be thought to have intended it to admit Catholics who were elected on the old and lower franchise. They treated O'Connell with all reasonable consideration in refraining from opposing him; for although under the existing circumstances he would have been practically sure of being re-elected, even on the higher franchise, a contested election would have put him to great trouble and additional expense.

The English Catholics were not wanting in gratitude to their Irish brethren, who had accomplished for them what they had failed to win for themselves. An unfortunate incident, however, occurred, which threatened to mar the cordial relations which had been established, not without difficulty, between the Catholics of the two islands. O'Connell had been so pleased with his reception by the Duke of Norfolk and others of the English Catholic aristocracy, that he conceived a wish to belong to the Cisalpine Club. His name was brought forward at the first meeting of the year, on April 28. His proposer was Mr. James Langdale, his seconder Mr. Thomas Stonor. The usual ballot was taken at the following meeting, on May 12, but he was black-balled. Coming at such a time, this was to say the least an unfortunate incident, and we can hardly be surprised at O'Connell's feelings on receipt of the intelligence. "It was a strange thing of them to do," he

[1] Writing on March 11, 1829, he says, "The Emancipation Bill is an excellent one in every respect—aye, in every respect . . . although it seems to exclude me".

wrote,[1] "it was a comical 'testimonial' of my services in emancipating them. It would be well, perhaps, if I could *un-emancipate* some of them". But in the same letter he says, "Mr. Blount has behaved exceedingly well on this occasion; no man could behave better. I believe there are many of them highly indignant at the conduct of the rest; and at all events I heartily forgive them all."

O'Connell did not indeed know how many black-balls had been put in against him. It is now known that there were only two. We, of course, regret that there should have been even two. In presence of so great an obligation as they owed him, it might have been hoped that the English Catholics would have been willing to overlook any source of dissension in the past. Such was undoubtedly the general feeling among them. Nevertheless it is not difficult to understand that among the whole body some few were to be found who did not show this readiness. In view of the aggressive action which O'Connell had taken towards the British Catholic Association only a few months before, when he proposed and carried a motion to "cease all intercourse" with them, we can understand their unwillingness to vote for his admission into their own select club. The general feeling was, however, against them, and four members[2] as a protest gave in their own resignation.

The general feeling asserted itself when the British Catholic Association held their final meeting, in order to wind up their affairs, on June 2, 1829. A vote of thanks to O'Connell was moved by Mr. McDermott, seconded by Mr. Rosson; and although there was some hesitation at passing it, this was not due to any want of appreciation of his services, but only in order to include in it other friends of Catholics in addition. In that form it was carried unanimously. Nor did the special token of good-will end here. In the course of the autumn a subscription was raised for Mr. Eneas McDonnell, who had suffered six months' imprisonment. Among the leading subscribers we find the names of the Duke of Norfolk, as leader of the Catholic body, and Mr. Blount, who had been the special

[1] *Correspondence*, i., p. 174.

[2] Sir E. Vavasour, Mr. Howard of Corby, Mr. Gage Rookwood, and Mr. Berkeley. These details are given in the minute book of the Cisalpine Club, now in possession of Mr. Philip Witham.

object of attack. They both also added substantial subscriptions to the O'Connell memorial which was being organised in Ireland.

Finally a subscription was made among the English Catholics on behalf of Mr. Blount, in testimony of his great services to the cause. No man had ever deserved it better. His calm and courteous manner, under all different circumstances, joined to his unremitting work had piloted the English Catholic body through all their periods of difficulty with a success which hardly any one else could have accomplished. The money subscribed soon reached four figures, and a handsome piece of plate was purchased for presentation. The subscriptions continued to come in until they reached nearly £2,000, and two salvers were presented in addition. At the same time the orphan children of a charity school subscribed half a sovereign, which was set in a snuff-box and presented to him, with the inscription, "The value of the gift is the kindness of the donor".[1]

A few months after this the Cisalpine Club was reconstituted. Immediately after Emancipation was passed, it was proposed to dissolve it, on the ground that it had been founded in the first instance to help on the struggle for Emancipation; and now that the goal was reached, it had no longer any *raison d'être*. The motion was, however, negatived; but apparently many of the members were unhappy about the survival of the title, and eventually the Club was dissolved and the members formed themselves into a new society which they entitled "The Emancipation Club". With very few exceptions the last members of the Cisalpine Club enrolled themselves in its successor, and indeed to all intents and purposes, the only change was one of name. The Emancipation Club had a prosperous existence for some fifteen years, before it finally came to an end.

At the time of Emancipation the bishops both in England and in Ireland remained silent upon the subject. Events were happening of importance to the Church which called for more immediate attention. On February 10, Pope Leo XII. died. After a conclave of thirty-six days, on March 31 his successor

[1] These pieces of plate are now in possession of Mr. Edward Blount's grandson, Mr. Stephen Blount, of Loxley Hall, Uttoxeter.

was elected in the person of Cardinal Castiglione, who took the name of Pius VIII. The news of his election reached London early in April, and Bishop Bramston issued his pastoral notifying it just six days after the Emancipation Bill had become law. Naturally it was occupied exclusively with the announcement of the election; and a little later he issued a further pastoral, promulgating a special jubilee granted by the new Pope, in order to obtain prayers for himself.

It devolved on Dr. Wiseman as Rector to inform Pope Pius of the granting of Emancipation. This he did in company with his vice-rector, Dr. Errington; and after their formal audience with his Holiness, they proceeded on a similar errand to the apartments of the Cardinal Secretary of State. A regular celebration was held at the English College, after the usual Roman model, which Wiseman describes as follows:—[1]

"The front of our house was covered with an elegant architectural design in variegated lamps, and an orchestra was erected opposite for festive music. In the morning of the appointed day, a *Te Deum* attended by the various British Colleges was performed; in the afternoon a banquet on a magnificent scale was given at his villa near St. Paul's by Monsignor Nicolai, the learned illustrator of that Basilica; and in the evening we returned home to see the upturned faces of the multitudes reflecting the brilliant 'lamps of architecture' that tapestried our venerable walls. But the words 'Emancipazione Cattolica' which were emblazoned in lamps along the front were read by the people with difficulty and interpreted by conjecture; so that many came and admired but went away unenlightened by the blaze that had dazzled them, into the darkness visible of the surrounding streets.

"In fact the first of the two words, long and formidable to untutored lips, was no household word in Italy, nor was there any imaginable connection in ordinary persons' minds between it and its adjective, nor between the two and England. But to us and our guests there was surely a magic in the words that spoke to our hearts, and awakened there sweet music more cheering than that of our orchestra, and kindled up a brighter illumination in our minds than that upon our walls."

On November 20 the English Bishops met at Wolver-

[1] *Last Four Popes*, p. 393.

Dr. Wiseman

hampton, to take the Emancipation Act into consideration, and for other business. From their number we miss the familiar figure of Dr. Collingridge, who since the death of Dr. Poynter, had been the senior vicar apostolic.[1] His death took place at Cannington, on March 3, when the Emancipation Bill was on the eve of being introduced. His funeral was carried out in all simplicity in the cemetery belonging to the convent; for he died as he had lived, in humility and seclusion. His district is said to have contained only 12,000 Catholics at the time of his death, ministered to by some fifty priests. He himself had always done the work of a missionary priest or chaplain, as a means of support, in addition to his episcopal duties. Few bishops have ever lived a life of greater self-effacement, and his memory is to this day held dear by the successors of the Benedictine community with whom he latterly lived.[2]

His successor, Bishop Baines, was a man of very different temperament. He returned from Rome to undertake his new work, full of large schemes for the future. He had indeed refused a career in Rome which might have led to eminence, in order to devote himself to the Catholics of his own country. The story of this can be given in his own words:—[3]

"Within a week of his Coronation, the Pope sent Cardinal Odescalchi to me, to express his continued good wishes and favour, and to offer me, if I would stay in Rome, a position at Court, that the Cardinal smilingly intimated to me, his Holiness meant as a step to a still higher position, which I understood to be the Cardinal's Hat, for which dignity I confidently believed Leo XII. had intended me. The Cardinal then told me his Holiness would at once provide another vicar apostolic for the Western District if I acceded to this plan, and wished to know what I felt about it."

Dr. Baines, however, respectfully asked leave to decline the offer. We can give his reasons again in his own words:—

"My predecessor had just died; I felt in better health and spirits; I was home-sick and anxious to return to friends and

[1] He had been vicar apostolic before Dr. Poynter; but he was his junior by date of consecration; and Rome decided that seniority should depend exclusively on the date of consecration; so after Dr. Milner's death Dr. Poynter took rank as senior until his own death.

[2] They are now at Colwich, in Staffordshire.

[3] *Ampleforth Journal*, May, 1910, p. 275.

native air; I preferred just then the position of an English Vicar Apostolic, immeasurably though it was beneath the Cardinalitial dignity, and I was eager to found the Seminary for the Western District, and to promote by my presence the interests of religion in that part of England."

He accordingly returned in time for the bishops' meeting at Wolverhampton. That meeting lasted five days. All the bishops and their coadjutors were present. Dr. Smith, as senior vicar apostolic, presided, though in point of age Dr. Bramston was eight years ahead of him, and the oldest man present. Yet old as he was, he was destined to outlive them all with two exceptions.

Among the matters which were discussed was the vexed question of the Saturday abstinence, which was still nominally binding, but very rarely observed. It should be said that Milner had opposed its abolition, during his stay in Rome in 1814; and although the laity at that time sent up a petition, complaining of its inconvenience and difficulty of observance, Milner's wish prevailed. Now, however, after Milner's death, the bishops sent up a petition for the abrogation of the law, which was duly granted; and at the same time the number of holidays of obligation to be observed in future in England was reduced to eight.

A long discussion took place on the Emancipation Act, but the only resolution passed was that the oath could be lawfully taken. The substance of the bishops' views may be gathered from the "New Year's Gift" for the Directory of 1830, written by Dr. Bramston. It is dated November 10, 1829, but was not published until after the meeting. The document is given in full in the *Life of Cardinal Wiseman*,[1] and is instructive reading, for the note struck all through is that of a solemn warning of the dangers of the unrestricted intercourse with Protestants which was about to ensue.

"The present era," the bishop wrote, "is new and most important to the Catholics of this island. Whilst they are by the wisdom and bounty of the Legislature placed civilly and politically on a level with their fellow-subjects, they may be liable to be thrown into situations where rather than before the maxims of the world may endanger the steady practice of their holy

[1] i., p. 217.

religion. Hence it would seem that they ought to be forcibly and affectionately exhorted to have a truly religious guard, that the temporal advantages which they now enjoy do not lead to a forgetfulness of their eternal interests, and that in the present circumstances more than ever heretofore they should continually put to themselves the divine interrogation, 'What will it avail a man to gain the whole world and lose his own soul?'"

Later on he says:—

"You of every rank are to be warned that you may probably be thrown into a different order of intercourse and association from that to which you have hitherto been accustomed, and on this account you may be forced to mix with persons unhappily impressed with the false philosophy, or rather irreligion and infidelity, with which the world is in these our days so lamentably infected. You are not called upon to be preachers or fiery disputants, but you are called upon and warmly exhorted to express sentiments and to exhibit practices in entire opposition to the evil spirit which is abroad. Heretofore, living in comparative separation and exclusion from the pomps and vanities of the world, you may now be cast more immediately within the vortex of that unhappy world. What then should you do? Allow your hearts and minds to be urged by bad example to yield to the destructive maxims of the world, and so relax by fatal degrees in the virtuous and pious practices of your religion? or to stem the torrent of your delusion and corruption, ought you not to increase your attention and the regularity of your observance to the duties of prayer, pious reading and serious reflection on the saving truths and holy maxims of the Gospel? Ought you not to be more diligent frequenters of the Holy Sacrament of Penance and the Eucharist? And bearing in mind the Divine admonition that evil communications are the corrupters of virtue, ought you not to observe a more steady watchfulness over all your thoughts, words, actions and impressions?"

The Irish bishops eventually wrote a joint pastoral to their flocks, dated February 9, 1830. The conditions in that country were wholly different from those in England, and naturally they wrote in a different strain from Dr. Bramston. Nevertheless like him they spoke of Emancipation not as the gaining of rights, but as though it were a bountiful concession calling

for their gratitude. They did not fail to point out that the Prime Minister, to whom they chiefly ascribed the new policy, was one of their own countrymen; and they called upon the people to show their sense of their obligation by improved conduct.

"Only last year," they wrote, "and this country was agitated from end to end and from its extremities to its very centre. The dominion of the passions prevailed over the dominion of the law; and men born to love each other, contended to almost the shedding of each other's blood; and public interests were neglected or forgotten; the ties of kindred were broken; the power of Government was weakened; the laws themselves were paralysed; and the religion which used to silence passion, and consolidate the public peace, was unable freely to discharge her functions. It was at this time that He by whom kings reign and legislators decree just things arose, and as it were said to the sea, Be still; and to the North wind, Do not blow. Our gracious and beloved Sovereign walking in the steps of his royal father (whose memory be ever cherished), commiserated the state of Ireland, and resolved to confer on her the inestimable blessing of religious peace. The great boon became the more acceptable to this country because among the counsellors of his Majesty there appeared the most conspicuous of Ireland's own sons,—a hero and a legislator—a man selected by the Almighty to break the rod which had scourged Europe—a man raised up by Providence to confirm thrones, to re-establish altars, to direct the councils of England at a crisis the most difficult, and to stanch the blood and heal the wounds of the country which gave him birth. An enlightened and wise Parliament perfected what the Sovereign and his counsellors commenced, and already the effects of their wisdom and justice are visible and duly appreciated by all the wise and good. The storm which almost wrecked the country has subsided, whilst social order, with peace and justice in her train, prepares to establish her sway in this long-distracted country.

"And is not the King, beloved brethren, whom by the law of God we are bound to honour, entitled now to all the honour and all the obedience and all the gratitude you can bestow? And do not his Ministers merit from you a confidence commensurate

with the labours and zeal expended by them on your behalf? And that legislature which raised you up from your prostrate condition and gave to you, without reserve, all the privileges you desired; is not that legislature entitled to your reverence and love? We confide that your feelings on this subject are in unison with our own, and that a steady attachment to the Constitution and laws of your country, as well as to the person and Government of our most gracious Sovereign, will be manifested in your entire conduct.

"Labour, therefore, in all things to promote the end which the Legislature contemplated in passing this bill for your relief, to wit, the pacification and improvement of Ireland. Let religious discord cease—let party feuds and civil dissensions be no more heard of—let rash and unjust and illegal oaths be not even named amongst you; and if sowers of discord and sedition should attempt to trouble your repose, seek for a safeguard against them in the protection afforded by the law."

The bishops concluded with an address to the clergy of Ireland:—

"To our venerable brethren the clergy, of whatsoever degree, we propose with reference to what here follows our own example: they will copy it into their lives and adhere to it as a rule of conduct. We united our efforts with those of the laity in seeking to attain their just rights, and to obtain them without a compromise of the freedom of our Church. Success attended our united efforts, because reason and justice and religion, and the voice of mankind were upon our side. We rejoice at the result, regardless of those provisions in the great measure of relief which injuriously affect ourselves, and not only us, but those religious Orders which the Church of God, even from the Apostolic times, has nurtured and cherished in her bosom. These provisions, however, which were, as we hope and believe, a sacrifice required not by reason of policy, but by prejudices holding captive the minds of even honest men, did not prevent us from rejoicing at the good which was effected for our country. But we rejoiced at the result not more on public grounds than we did because we found ourselves discharged from a duty which necessity alone had allied to our ministry—a duty imposed on us by a state of times which has passed, but a duty which we have gladly relinquished in the

fervent hope that by us or by our successors it may not be resumed."

In view of the persistent opposition both of George IV. and of his father, to the granting of Emancipation, there is something almost humorous in the elaborate thanks of the Irish bishops. King George IV. died on June 26, 1830, when according to law at that time in force, Parliament dissolved. The ensuing general election was the first in which Catholics were able to stand. In the new Parliament five English constituencies were represented by Catholics. The Earl of Surrey and Mr. Edward Blount sat for two of the Duke of Norfolk's boroughs in Sussex—Horsham and Steyning respectively—and Sir Clifford Constable was elected for Hedon, a borough of his own. Two others were elected by popular suffrage, Mr. Henry Stafford Jerningham for Pontefract, and Mr. P. H. Howard, son of Mr. Howard of Corby, for Carlisle. In addition to these may be mentioned Lalor Sheil, who having failed to be elected for County Louth, accepted the borough of Milborne Port from the Marquis of Anglesey. Some ten other Irish Catholics secured seats in that Parliament. Six months later it was dissolved on the question of Reform and in the following election the English Catholics increased their representation by the return of Sir Francis Vincent for St. Albans, Mr. Robert Throckmorton for Berkshire, and Hon. Edward Petre for Ilchester (Devon). Thus there were eight English Catholic members in the Parliament of 1831, a number which has only recently been exceeded.[1] Lalor Sheil was again elected for Milborne Port; but having this time succeeded in his candidature for Louth, he elected to sit for that constituency. There were thirteen Irish Catholics in this Parliament. O'Connell stood for Kerry, leaving Clare for his son Maurice. Mr. Thomas Wyse, jun., represented Tipperary; Sir Patrick Bellew was Sheil's colleague in the representation of Louth; the O'Conor Don was elected for County Roscommon; Sir John Burke for Galway; Lord Killeen (son of the Earl of Fingall) for Meath; and five others for various constituencies.

[1] In the Parliament of December, 1910, eight Catholic Members are enumerated as sitting for English constituencies, but one (Mr. T. P. O'Connor) is an Irishman, and is in a position somewhat analogous to that of Sheil in 1830, being an Irish member sitting for an English constituency. Two additional English Catholic members have, however, been since elected.

The English Catholic members sat as Whigs; and indeed all English Catholics were Whigs as a matter of course then and for several generations after this. All the members with the exception of Sir Clifford Constable voted for the Reform Bill; as also did the Catholic Peers (with the exception of Lord Arundell) in the House of Lords. When the first reformed Parliament met in February, 1833, two Catholics—Sir Clifford Constable and Mr. Edward Blount—had lost their seats; but as against this, Mr. Charles Langdale had been elected for Beverley, and Mr. Thomas Stonor—afterwards fourth Lord Camoys—for Oxford city; while Mr. Edward Petre had at length secured election for York

The Emancipated Catholics were soon active in municipal as well as Parliamentary life. At the beginning of 1830, the Hon. Edward Petre was elected Lord Mayor of York. He also stood for Parliament for that constituency, but failed to obtain election on that occasion, though he was subsequently successful. A large banquet was, however, given in his honour, to show the esteem of the leading citizens for him. He was likewise elected high sheriff for the county. In the following year there were seven Catholic sheriffs,—Mr. Peregrine Towneley for Lancashire; Sir Edward Smythe for Shropshire; Mr. Thomas Fitzherbert for Staffordshire; Mr. Charles Eyston for Berkshire; Sir Henry Tichborne for Hampshire; and Sir Thomas Stanley for Cheshire.

But perhaps the most interesting figure of all among the Emancipated Catholic laity was that of the veteran Charles Butler, who after the death of Rev. Joseph Wilkes on May 19, 1829, became the sole survivor of the original Catholic Committee of 1782-92. Though in his eightieth year, he was still in full possession of his faculties, and wrote a short account of the events of the last eight years of the struggle for Emancipation, as a supplement to his *Historical Memoirs*. He alludes to himself in the following words:—[1]

"The writer of these pages was present when Mr. Fox delivered his eloquent speech in May, 1778, in favour of the bill brought into Parliament in that year for the relief of the English Roman Catholics: it was delightful in 1829 to hear

[1] P. 45.

those made by Lord Holland, Mr. Fox's nephew, and the cygneant strains of the Bishop of Norwich".

And speaking of the final achievement of Emancipation in grandiloquent language, he proceeds :—

"It was an arduous achievement. To effect it required the mightiest arm in the universe: that arm was the Duke of Wellington's, and he raised it in favour of the Catholic cause. Conqueror in India, conqueror in Spain, conqueror even of Napoleon, a nobler enterprise yet awaited him, and nobly did he soon afterwards achieve it."

The figure of the aged lawyer was familiar to the Catholics of London. A personal friend of his has left us the following description of him during the last years of his life :—

"Mr. Butler's personal appearance was dignified and gentlemanly. Methinks I see the good old man crossing the area of Lincoln's Inn towards his chambers on the right-hand side of the way: his step is firm, his black silk stockings are studiously put on with an effort at neatness, and though his look is downcast, eighty years have not occasioned a stoop in his shoulders. He was above the middle size, his features were heavy—fleshy, and the eye was not particularly brilliant; but the forehead was redolent of intellect. Though rather impatient, he was one of the most kind-hearted of men. His friends loved, his family adored him, and he took delight in making the fortunes of all the young barristers who studied under him." [1]

One of his pupils was Sir Thomas Denman, who in 1831 was Attorney-General. At his suggestion, King William IV. raised Butler to the rank of King's Counsel, sending at the same time a gratifying message to the effect that he was happy to confer an honour on so learned and worthy a person. This was of course a consolation to the venerable Catholic lawyer in his last years. Yet it cannot but suggest serious thoughts on the position of Catholics before Emancipation. Apart from his religion, there was no reason why Butler should not have reached the highest walks of his profession. His talents were admittedly of the first order, and in place of training up one to be Attorney-General, he might well have occupied that position himself. He was not wanting in ambition, and the fact that he was precluded from the rewards which others

[1] *Catholic Magazine*, July, 1832, p. 449.

worked for was a keen and life-long disappointment to him. No doubt it made him at times over-anxious to procure Emancipation, and too ready to make undesirable sacrifices to obtain that end. But throughout his life he never thought of acting against his conscience for the sake of his career: so long as he was called upon to make the sacrifice, he made it willingly and thoroughly. Though he rejoiced that he lived to see Emancipation, it came too late to affect his own position or prospects; and three years later he died.

CHAPTER L.

CONCLUSION.

WITH this short sketch of the activities in public life of the English Catholics of the early Emancipation days, we complete our study of the period. The end of one epoch is the beginning of another. A man such as Charles Butler rejoiced to see the day of Emancipation, and felt ready to sing his *Nunc dimittis;* but to the rising generation it was the opening of new avenues and unlooked-for possibilities for their future. They had all their work before them. They had to convince the people of Great Britain that the opening of public life to them was a wise measure, and that Catholics can discharge the duties of such positions at least as well as Protestants. They had been emancipated by law: it remained for them to win Emancipation at the hands of public opinion.

As we prepare to lay down our pen, we can almost see the new epoch opening out before us. Bishop Bramston notwithstanding the weight of age, has still some eight years of life to run. It was perhaps a special providence that the bishop of the London District at the time of Emancipation should have been a convert and a University man. As in later times Cardinal Manning with his Oxford antecedents was able to reach those who would not have listened to a hereditary Catholic, so also Dr. Bramston found his Cambridge education of unlooked-for service to him, for it helped him in bringing the position of Catholics before the Protestant statesmen and other authorities of the day. In the Midland District, we see Bishop Walsh, afterwards the friend and patron of Pugin, the founder of "New Oscott," and of St. Chad's Cathedral, Birmingham. In the north, Bishop Penswick, living at Liverpool, is about to succeed the aged and infirm Bishop Smith. But it is to the Western District we look for the bishop of strongest character and largest ideas, during the next fifteen

years. Dr. Baines, formerly a monk of Ampleforth, having been restored to health by his residence in Rome, has returned to England to take up the work of the late Bishop Collingridge; and he has already formed schemes on a large scale for the establishment of a college—perhaps the beginning of a Catholic University—in the West of England, which schemes were destined afterwards partially to take shape in the foundation at Prior Park.

Bishop Gradwell, who has recently returned from Rome as assistant to Dr. Bramston, is not destined to live many years; his successor as coadjutor, afterwards to succeed as vicar apostolic, is to be the saintly Dr. Griffiths, whose fifteen years as President of St. Edmund's are drawing to a close. He will be the first and only vicar apostolic of the London District educated wholly in England—for his entire course had been gone through at St. Edmund's. At Ushaw, we see Dr. Newsham, already a professor, destined to succeed in a few years as president. At Oscott, Dr. Weedall, afterwards eulogised in one of Newman's best-known sermons, has already entered on his presidency. At Downside, William Bernard Ullathorne is a member of the community not yet ordained priest. At Stonyhurst also we find many who are to be well known afterwards as members of the restored Society of Jesus, whose influence over a large part of our laity was so important a factor in Catholic life.

Turning to the foreign colleges, we find Lisbon and Valladolid both well established, and the Benedictine College at Douay thriving in the hands of its new community late of St. Edmund's, Paris. In the *Collegium Venerabile* at Rome, Dr. Wiseman is Rector and Dr. Errington Vice-Rector, and among the students in the following year is Hon. George Spencer, son of Lord Spencer, and brother of Lord Althorp, whose conversion may be called the first-fruits of Emancipation; for it took place the following year, and caused such a sensation as might be expected in the case of the brother of a Cabinet Minister. Living in the Eternal City are also Bishop Weld, soon to be raised to the purple, as the first English cardinal since the death of the Duke of York; and likewise Mgr. Acton, destined afterwards to succeed him in that dignity.

Considering next the English Catholic scholars, we find

Mark Tierney, already chaplain to the Duke of Norfolk at Arundel, and Daniel Rock, chaplain to the Earl of Shrewsbury at Alton Towers. Lingard living in his seclusion at Hornby is still in the full possession of all his great powers; Husenbeth has settled himself at Costessey in Norfolk, as chaplain to the Jerningham family; and that extraordinary link between the past and the present, the evergreen Dr. Kirk, of Lichfield, who had obtained from Rome special permission to recite the psalms of his office in the Hebrew tongue, to help in keeping up his knowledge of that language, shows no sign of losing his vigour. He entered at the English College at Rome, be it remembered, when it was still under the Jesuits before the suppression of the Society; and he is destined to live to see the restoration of the Hierarchy in 1850.

Lastly, within three years of Emancipation was born of one of the old English Catholic families, the future Cardinal Vaughan, the eldest of a family who gave no less than six brothers to the Church, three of whom were raised to the episcopate.

If we look to the laity, we have only to repeat the names of the various Catholic families who have been mentioned in the foregoing pages—Clifford, Howard, Petre, Blount, Jerningham and others; for they were the undisputed leaders of the body. Perhaps two of them stand out above their fellows during the years after Emancipation. One is the Hon. Charles Langdale, member for Beverley in the first reformed Parliament, and a leader in all Catholic good works, who, many years later, on his death-bed was admitted as a lay brother to the Society of Jesus. The other is John Talbot, who, in 1827, succeeded his uncle as sixteenth Earl of Shrewsbury, and in conjunction with Pugin, built so many churches in the Midlands. Pugin himself is still a Protestant, but he is nearing his conversion, and Oscott is waiting to open her doors to welcome him as Professor of Ecclesiastical Art.

Nor ought we to leave the mention of the chief Catholic laity of the period without a glance at the pathetic figure of Mrs. Fitzherbert, about to become for the third time a widow, ending her days in peace in her home at Brighton, where the church of St. John, which to-day contains her tomb—in great part due to her munificence—is about to rise.

And if we glance at the great Protestant University of Oxford—the University which had deposed a man such as Sir Robert Peel from representing her in Parliament, for no other reason than that he favoured Catholic Emancipation—a scene full of interest appeals to the eyes of the modern Catholic. Newman is already Fellow of Oriel and Vicar of St. Mary's. Those memorable sermons have begun which are destined later on to influence the whole University; but as yet he shows no sign of drawing near to the Catholic Church, and has been all along opposed to the measure of Emancipation. Ward is about to enter at Christchurch. Others such as Faber, Dalgairns, Northcote, David Lewis, Allies, Henry Wilberforce, etc., are either already in residence, or shortly to come up. There is also Hurrell Froude, the champion of St. Thomas, who with his hatred of Protestantism and dislike of the Reformation so considerably influenced Newman's mind. He indeed never joined the Church; but of the others who eventually did so, one and all would certainly at that time have been surprised to think that they had before them any future connected with the English Catholics. Still more would the English Catholics themselves, with their narrow outlook, and their traditions of suffering, ostracism and intolerance, have marvelled at the very idea of an influential section of the University at no distant date seeking admission to the Catholic communion. In this respect the possibilities of the future had not yet shown themselves.

In Ireland we see the familiar figure of Dr. Murray, who, notwithstanding that he has been a bishop already some twenty years, has yet another twenty before him. Cullen, who is to be his successor, lately ordained, has in the previous September taken his degree in Rome with distinction, in the presence of the reigning Pontiff Leo XII. and the future Leo XIII. Dr. Doyle is at the zenith of his reputation. Dr. McHale is a Professor at Maynooth, using his pen on behalf of his Catholic countrymen. Father Mathew, the Apostle of Temperance, already fifteen years ordained, is leading a yet uneventful life at Cork. Dr. Moriarty, the future Bishop of Kerry, and Dr. Russell, the well-known President of Maynooth, are beginning their ecclesiastical studies; while the following year saw the birth of Cardinal Moran, and a few years later, that of Archbishop Walsh. A great development of Catholic

life and education is in progress, as testified by the establishment of the Irish Christian Brothers, the Loretto Nuns, the (Irish) Sisters of Charity, the Sisters of Mercy, etc. In the political world we see such familiar figures as O'Connell, Sheil, Lawless and others, on whom the brunt of the battle still falls, for battle there has to be. For notwithstanding the overwhelming proportion which they formed of the population, the work of the emancipated Catholics was for several generations an uphill one. In a letter written shortly after this time Marquis Wellesley bore witness to the fact so far as Ireland was concerned. "The Roman Catholics of Ireland," he wrote,[1] "have never yet been admitted to the full benefit of the laws passed for their relief. Entitled by law for admission to almost any office in the State, they have been and are still practically excluded from almost every branch of the executive administration of the Government." The same may be asserted of nearly every office and post, whether under Government, or the civil authorities, or private management. It is only lately that it has been able to be said that a Catholic stands an even chance with a Protestant, and that appointments are given to the best candidates without reference to their religion. In England we are still far from having reached this goal. Bigotry continues rife in many places. The experience of a man being cut off from his family and friends for the sole reason that he has joined the Catholic Church is one with which we are all familiar. Mr. Henry Digby Beste declares that his former friends all spoke of him in the past tense after his reception into the Church—Mr. Beste *was* a good scholar, and the like —as though he was already dead.

Still great progress has been made since those days. We have had Catholic Privy Councillors, Catholic judges, mayors, county councillors, magistrates, and other officials. To say the least, as a body they have not compared unfavourably with those of other religions; and if the public is still inclined to be

[1] *Memoirs of Marquis Wellesley*, iii., p. 406. The first Catholic judge was Sir Michael O'Loghlen, who was appointed Baron of the Exchequer in 1836, and Master of the Rolls in 1837; but it was not until the passing of the Office and Oath Act in 1867 that the Irish Chancellorship was thrown open to Catholics and in the following year O'Hagan became the first Irish Catholic Chancellor since the time of James II.

less indulgent to Catholics in their shortcomings than to non-Catholics, it is a state of affairs which may perhaps be not unsalutary to them. And the similarity of the penal history of the Catholics of England and Ireland should be a continual bond of union between them. At the beginning of the nineteenth century there were perhaps 5,000,000 Catholics in Ireland, against less than half a million in England. To-day there are in England more than 2,000,000 Catholics, and in Ireland, less than double that number; for in the interval the Irish have spread themselves over the world, carrying their religion with them, so that over 6,000,000 Catholics are to be found in the colonies and many more in the United States of America. Nevertheless, the proportion of Catholics to the whole population in Ireland remains as great as ever. Their ten Catholic members of Parliament of 1830 have grown to seventy-five in 1911; while in England the number has hardly increased since two years after Emancipation. The Catholics of England do not form a twentieth of the population. Yet they have a great history behind them which gives them a moral force out of proportion to their numbers. That history they have in common with their brethren in Ireland, with whom they fought side by side for so long in their struggle for Emancipation; and if since that date their paths have by force of circumstances diverged in independent directions, the English Catholics should never forget what they owe to their brethren in Ireland, without whose assistance in the time of struggle the modern development of Catholicity in this country would never have been possible.

APPENDIX TO VOLUME III.

APPENDIX K.

THE CASE OF THE ENGLISH JESUITS.

(1) Cardinal Borgia's Letter to Bishop Douglass. December 3, 1803.[1]

Illmẽ ac Rmẽ Dñe,

Arbitror ego, pertinere ad munus, quo fungor, Praefecti S. Congregationis de Propaganda Fide, ne tu quemdam rumorem ignores, qui hic non ita recens ortus est, atque in diem quoque crescit: videlicet extare in Anglia quosdam assertos Jesuitas, eosdemque aliquo etiam loco conjunctim, et instar corporis vivere, et a Jesuitis, qui sunt in Russia, quodammodo pendere. Extant certe non ita pridem in Russia Jesuitae, propterea quod Summus Pontifex justas ob causas in illo Imperio eosdem per Breve restituit: ea tamen lege, ne Imperii Russi fines egrediantur, neve Praepositus Societatis ullam auctoritatem extra fines eosdem exerceat. Ipsum autem Breve cum quo Sanctitas Sua Societatem Jesu in Russia restituit, exemplum cujus D.V. Illmãe et Rmãe remitto, luculentius explicabit id quod exposui.

Haec autem legitima Jesuitarum existentia in Russia cum possit esse fundamento ad credendum, aliis quoque locis, et in Anglia potissimum ex jure ac lege Jesuitas ipsos existere, uti rumor invaluit, me cogit, ut Tibi asseverem, adhuc a S. Sede non alios Jesuitas pro legitime existentibus haberi, praeter eos qui in Russia sunt: neque Te latet, sine Summi Pontificis auctoritate ullum corpus regulare neque consistere, neque pro legitimo haberi posse. Quia vere locorum longinquitas plurimum est opportuna, ut pro corpore regulari habeatur id, quod corpus regulare non est (quoad saltem rei novitas delegatur) erit vigilantiae D.V. Illmãe, si caute Te gesseris in recognoscendis quibuscumque Institutis utriusque sexus recenter invectis, et in admittendis privilegiis, si quae forte eadem habere assererent, nisi pri-

[1] *Westminster Archives.*

mum Tibi de legitima existentia constiterit, eamdemque Tibi S. Sedis auctoritas per S. Congregationem de Propaganda Fide confirmaverit. Equidem vicissitudines, quas his miserandis plenisque periculorum temporibus experimur, hanc diligentem agendi methodum efflagitant: qua pro certo habeo, Te ita prudenter, et circumspecte usurum, uti rei indoles poscit. Tu sane intelligis, has meas Litteras non alio spectare, quam ut rerum ordo et pax et quies in fidelibus servetur, atque ut praematuré antevertatur occasio, ne in diversarum partium contentiones erumpant, quae pro uno potius quam pro altero cœtu possent oriri. Non te fugit quantum id Paulo Apostolo curae fuerit, qui Christianos ne pro se quidem in diversas partes distractos nolebat, et quam graviter Corinthios reprehenderit, quod dicerent: *Ego quidem sum Pauli; ego autem Apollo; ego vero Cephae.* Sed hactenus de his, quae confidenter cum caeteris hujusce Regni Vicariis Apostolicis communicabis, ut etiam iis pro norma esse possint.

Confirmo singularem reverentiam meam D.V. Illmãe, cui manus ex corde deosculor. Datum Romae, 3 Decembris, 1803.

Domin. Vestrae Illmãe ac Rmãe,

Servus verus et amicus,

S. Card^is Borgia.

(2) Cardinal Borgia to Bishop Milner. March 17, 1804.[1]

Illm̃e ac Revme Dn̄e,

Quoniam ex multorum litteris ad hanc Sacram Congregationem perlatum est pluribus in locis Societatem Jesu ita fuisse a SSmo. Dno. Nostro Pio PP. Septimo restitutam, ut ubique posset domicilia habere, et socios in congregationem cooptare quibus omnia ejusdem Societatis munia obire liceret, ne in hac re quae maximi momenti est, et non levibus perturbationibus causam praebere potest, aliquos decipi contingat, expedire visum est per loca missionum Episcopi superioresque caeteri de vero hujus negotii statu certiores fierent.

Itaque sciat Amplitudo tua Societatem Jesu litteris Apostolicis Sanctitatis suae datis, vii Martii, 1801, fuisse restitutam his additis verbis: "intra Russiaci Imperii fines dumtaxat et non extra". Quare extra illius Imperii fines Praepositus Generalis nulla pollet juris dictione, nec alios ad Societatem aggregare potest. Et quoniam non desunt qui jactent postea a Summo Pontifice praedictae Societati potestatem fuisse factam per litteras vel *vivae vocis oraculo* ex finibus illis exeundi, ex certa scientia affirmamus id esse falsum: Quare

[1] *Birmingham Archives.*

Amplitudo tua si qui sint istic, qui se Societatis Jesu Presbyteros esse dicant, non habeas nisi in numero Presbyterorum saecularium qui Ordinariis in omnibus ut caeteri subjecti esse debent. Atque interim Deum precor ut Amplitudinem tuam diu sospitem et incolumem servet.

Amplit. tuæ,
Uti frater studiosissimus,
S. Card^is Borgia Praef.,

Romae Aedibus S. Congregñis de Prop^a Fide.
Die 17 *Martii*, 1804.

(3) Decree of Propaganda Regulating the Status of the Stonyhurst Fathers. August 9, 1813.[1]

Plures delatae sunt ab Episcopis in Angliae Regno Vicariis Apostolicis querelae, circa Alumnos Collegii Ecclesiastici Stonyhurst in Comitatu Lancastriensi, qui emenso studiorum curriculo, non ad proprias Missiones, ut par est, sed vel in alias Britanniae partes, vel etiam extra idem Regnum sese conferunt, non sine magno uniuscujusque Vicariatus detrimento. Cum autem id et Ecclesiastico juri et fini quo juvenes missi sunt palam adversetur, jam a die 11 Decembris superioris anni adjudicatum fuit eisdem Vicariis Apostolicis jus obligandi praefatos Alumnos ut studiis absolutis, ad suas quisque missiones reverterentur. Verum cum expositum deinde fuerat illos, expleto etiam studiorum cursu, spondere operam suam per aliud Octennium (si ita moderatoribus visum fuerit) eodem Collegio se praestituros et ab hujusmodi statuto, utpote quod ad bonam Seminarii disciplinam et auxilium valde conferre compertum est, Vicarii ipsi Apostolici minime dissentiant, et auctoritate a Sanctissimo Domino nostro Pio P.P. VII specialiter tributa, decernitur atque mandatur, ut ipsius Collegii Alumni, postquam studiorum cursum expleverint, et octennium sui ministerii in eodem Collegio praestandi, si aliquo ibi munere detineantur, illico autem post emensa studia, vel in ipso octennio, si ab omni officio vacent, ad suas quisque missiones redire omnino debeant, sub omnimoda dependentia ab Episcopis Vicariis Apostolicis loci ubi originem ducunt. Si autem parere Alumni renuerint, eos Vicarii Apostolici per censuras et Canonicas poenas ad obedientiam revocare et compellere possunt, quovis non obstante privilegio, aliisque in contrarium quibuscunque.

Datum Romae ex aedibus ejusdem Sacrae Congregationis die 9 Augusti, 1813.

J. B. Quarantotti, *Vice-Praef.*
M. A. Galeassi.

[1] Gradwell's *Documenta*, p. 19.

(4) Vienna Rescript Approving of the Affiliation to the Jesuits in Russia.[1] December 24, 1813.

Attenta difficultate Illustrissimorum et Reverendissimorum Vicariorum Apostolicorum in Anglia, Hibernia, America atque Insulis Archipelagi, eos sacerdotes aut clericos qui ex benignitate Apostolica sub obedientia Praepositi Generalis Societatis Jesu, ejusdemque Societatis institutum profitentes in veste Presbyterorum Saecularium aut propria ordinis, ibi degunt, habendi tanquam regulares praefatae Societatis alumnos, eo quod Apostolicum hac super re beneplacitum illis non innotescat. Praepositus Generalis ejusdem Societatis, ea qua par est humilitate ac reverentia, supplicat Sanctitati suae ut declarare dignetur praefatis Illustrissimis et Reverendissimis VV. AA. Clericos ac Sacerdotes supradictos ita ad Societatem Jesu pertinere, ut primi promoveri possunt ad Ordines Sacros, caeteri vero in privilegiis omnibus ibi gaudeant quibus et gaudent Socii in Russia existentes. Auctoritate Apostolica a Sanctissimo Domino nostro Pio PP. VII. nobis specialiter tributa, sub die 10 Novembris, 1813, declaramus sacerdotes et clericos de quibus in precibus ita pertinere ad Societatem Jesu, ut isti titulo paupertatis ad sacros Ordines, servatis servandis, possint admitti; si vero in regionibus ubi modo ex Apostolica benignitate degunt, iisdem privilegiis fruantur quibus gaudent Alumni Societatis Jesu in Russia.

Vindibonae, ex aedibus Sa. Ap. Nuntiat. 24 Dec., 1813.

A. G. Archiepus Epus Viterbii
Nunt. Apost. Deleg.
Joan Bap. Bearzi, *S. Ap. Nunt.*
Pro-Cancellarius.

(5) Cardinal Litta's Explanation of the Bull "Sollicitudo". Extract from his Letter to Dr. Poynter, dated December 2, 1815.[2]

Aliquid mihi addendum superest circa Societatem Jesu, de qua sciscitatus es. Exploratum est Amplitudini tuae hanc Societatem a SSmo Dño nostram restitutam fuisse in universis orbis provinciis in quibus civiles potestates illam recipere ac revocare consenserint. Compertum autem est S. Congregationi Leodiense Collegium quod jam a Presbyteris ejusdem Societatis regebatur in Angliam fuisse translatum, ac sub iisdem moderatoribus constitutum in loco de Stoneurs,[3] ubi nunc non mediocri Orthodoxae Religionis profectu illud efflorere fertur. Ea igitur de hoc S. Congregationis mens est, ut Amplitudo tua omnem operam det ut Societas ista in Anglia

[1] Gradwell's *Documenta*, p. 20. [2] *Westminster Archives.*
[3] Intended, of course, for Stonyhurst.

instauretur ac stabiliatur, illique omni studio favere curet. Id vero ea qua par est prudentia solertiaque facias necesse est; nam si forte praevideas officia tua Gubernii offensionem suscitare, ac detrimentum potius quam utilitatem parere posse, tunc satius est ab iis abstinere, neque plus agere aut tribuere quam circumstantiae ferunt.

Haec Amplitudini tuae significanda habui dum interim Deum adprecor ut eamdem diutissime sospitem atque incolumem servet.

Romae, ex aedibus S. Congñis de Propd[a] Fide,
Die 2 Decembris, 1815,
Uti frater studiosissimus,
L. Card. Litta, *Praef[us]*
J. B. Quarantotti, *Secretarius.*

(6) Cardinal Litta to Bishop Gibson, Declaring the Society Restored in England.[1] February 14, 1818.

Delatum est ad S. hanc Congregationem de Prop. Fide, etiam ex parte plurium Catholicorum, Amplitudinem tuam in ea opinione versari, quod Societas Jesu in Anglia minime sit restituta, quod nimirum nulla id tibi legitima auctoritate indictum fuit: ideoque te obstare quominus a Sacris Ordinibus tamquam ipsius Societatis membra initientur, et animarum curam exerceant. Verum Amplitudinem tuam latere non debet, eamdem Societatem per litteras Apostolicas editas die 7 Aug. 1814, quarum exemplum hic adjungendum curavi, ubique terrarum restitutam fuisse; proindeque dissimulari non potest illam et in Anglia legitime existere. Ex quo quidem plane sequitur eos qui istic eidem Societati, sub eorum Praeside Provinciali R. Carolo Plowden addicti sunt, tanquam legitimum regulare corpus sicut caeteros regulares Ordines, ab Amplitudine tua agnosci ac reputari decere, eosque propterea iisdem plane juribus gaudere quibus caeteri Regulares, illoque praesertim, ut ad sacros Ordines titulo paupertatis promoveantur. Cum autem compertum sit eosdem strenuos esse in excolenda vinea Domini, ac juventute instruenda operarios, hortari etiam debeo Amplitudinem tuam ut illos tanquam adjutores et collaboratores tuos singulari tuo patrocinio et gratia prosequi, eorumque ministerio in sacris obeundis missionibus uti velis. Quod dum aequo te animo praestiturum esse confido, Deum O. M. precor ut Amplitudinem tuam diutissime servet ac sospitet.

(7) Revocation of the Above Letter.[2] May 5, 1818.

Illustrissime ac Reverendissime Domine,

Postquam S. haec Propagandae Fidei Congregatio plurium Catholicorum votis annuens epistolam sub die 14 Februarii hujus

[1] *Westminster Archives.* [2] *Ibid.*

anni datam, cui etiam adjunctum erat exemplar Apostolicarum Litterarum SS. Dni Nostri Pii PP VII quibus Societatem Jesu anno 1814 restitutam fuisse constat, ad Amplitudinem tuam miserat; quidam rumor repente exortus est quasi id in perniciem Collegii penes Stonyhurst et damnum Catholicae Ecclesiae in Anglia esset futurum. Qua de causa alii rogaverunt ne praefatae epistolae executio isthic urgeretur: quorum petitioni obsecundare optimum duxi, ac te Illme ac Revme Dne praemonere, ut ita in hoc negotio te geras, quasi saepe dictam epistolam nunquam accepisses, quam quidem S. haec Congregatio perinde habet ac si scripta non fuerit. Interim precor D. O. M. ut Amplitudinem servet ac sospitet.

Datum Romae ex aedibus dictae S. Congregationis 5 Maii, 1818.

Amplitudinis tuae

Uti Frater Studiosissimus

L. Card. Litta, *Praefectus*

C. M. Pedecini, *Secretarius.*

Revmo. D. Gulielmo Gibson
Epo. Acanthensi, in Sept. Angliae
Districtu Vic. Apostolico.

(8) Bishop Milner to Bishop Gibson.[1] October, 1818.

My Lord,

I write to you *coram Deo* and from the purest sentiments of affection for your Lordship, as I am to answer at that dreadful tribunal at which your Lordship and I must soon, very soon, appear. There is a most heavy complaint against your Lordship and your Vicar, and the secular clergy, and the Vicars Apostolic in general, that when one-third part of the congregation and the people of God are perishing for want of spiritual food, we the secular Vicars Apostolic conspire to deprive them of it by our opposition to certain Colleges, and to that of Stonyhurst in particular; that when we cannot supply the county towns with priests, we encourage opposition chapels and a redundancy of Pastors to the number of three in a provincial town, from mere jealousy of a rival order. I am sure your Lordship will agree with me that this is not the spirit of the great Apostle who gloried that Christ was by every means preached. No, my Lord, you are sensible that we are [Bishops] not of a party, much less of a few individuals, who are dissatisfied with their appointed pastors, but of the whole of our flocks, for whose souls we are to answer at the Divine Tribunal, and you as well as myself feel yourself obliged by every priest who will help to save souls, whether he be a secular, a monk, a friar, or a Jesuit,—such I am assured will be our common

[1] *Westminster Archives.*

sentiments in the region of eternity, and such I am assured are your Lordship's sentiments at present.

Your Lordship has been instructed that the last named are not restored. Now I am a witness to the contrary, as were Cardinals, numberless Prelates, several Kings and Queens, and 150 Jesuits. I may add that the English Jesuits were united to the Russian Jesuits by an Ordinance communicated to Cardinal Severoli while the Pope was in captivity; that on my stating this circumstance to the Propaganda, Cardinal Litta referred me to the brief of the general Restoration, which was then on the point of appearing; that since my return to England Cardinal Litta has written to me, "The Jesuits are generally restored, and therefore in England, hence you may ordain them either *titulo paupertatis religiosae* or *titulo missionis;* that the denial of their restoration in a letter from your Grand Vicar to your and my friend Mr. Plowden has caused great indignation at Rome, as I fancy you are by this time informed".

To conclude, my dear and honoured Lord, let us act as fathers of our whole Districts, and as servants who are soon, very soon, to give an account of our stewardship because *adhuc villicare non possumus*. Moderate the angry minds of our flocks, appoint the hours of service in the opposition chapels at different hours, so that they may not clash in future and promote the ordination of as many valiant soldiers as we can in our respective districts. The laity with one voice East, West, North and South, Lords and peasants, as I have proofs, require this at our hands; the Cardinals and his Holiness earnestly wish this from us. We shall soon rest in our graves; but O that we pastors may be ready to meet the general Pastor of our souls.

I have the honour, &c.

✠ J. Milner.

(9) Bishop Milner to Cardinal Litta.[1] October 5, 1818.

Licet sub initium mensis Augusti præteriti litteras scripserim Eminentiae Vestrae de statu Medii Districtus in quibus multa de hoc insigni Collegio et de ipsius piis et benemerentibus superioribus, et de persecutione quam a confratribus meis sustinent, exposui; attamen defectus missionariorum in-dies crescens in dicto districtu, imo et in tota Anglia, me cogit ut ad sacram Congregationem, cui praeest Eminentia Vestra, et ad quam haec causa principaliter pertinet, iterum recurram. Ut paucis rem expediam: Congregatio Catholicorum in celeberrima civitate Oxoniae, ubi patres Societatis olim domum coemerunt, capellam construxerunt, et gregem congregaverunt, per hos duos menses pastore destituitur, mortuo Rev. P. Joanne Conolly, S.J. Huic loco supplendo destinatus fuit

[1] *Westminster Archives.*

a Rev. P. Carolo Plowden, hujus Collegii Praeside, Rev. P. Gulielmus Cottam diaconus, modo ipsum ordinaret Presbyterum aut ordinari permitteret Illmus Meus Collega Septentrionalis Districtus Gibson, ultimo Ordinationum tempore, quod omnino ille recusavit, eo quod Pater Provincialis Plowden nullum responsum dederat iis litteris Vicarii Episcopalis Thompson in quibus declaratur ex parte ipsius Summi Pontificis Societatem Jesu nullomodo esse restitutam, &c. Adhuc ex vero zelo animarum et nostrae sanctae Religionis famam anhelans, ut illa insignis civitas et Universitas provideatur de bono pastore Catholico, ex abundanti sua reverentia et obedientia erga auctoritatem episcopalem (nam Provinciales monachorum et Franciscanorum nil ejusmodi petunt a Vicariis Apostolicis) R. P. C. Plowden supplicavit ab Illmo. D. Gibson permissionem ut Rev. P. Robertum Newsham, S.J. presbyterum professorem hujus Collegii Oxoniam mittat. Huic supplicationi nullum responsum dare dignatur meus collega. Interim Catholici Oxoniae et vicinae regionis petunt panem et non est qui frangat eis; et vera religio ibi languet et deperit. Multa hujusmodi gravamina Religioni ipsi et huic Collegio de ea tam bene merenti frequenter exurgunt, zelotypia illa deplorabili confratrum meorum; qui si vellent, hanc institutionem tam piam, tam utilem, tam necessariam causae Catholicae ut decet Episcopos protegere et fovere, possunt sine ulla invidia aut etiam notitia ministrorum pro die civilium, uberrimos fructus pro singulis ipsorum districtibus indesinenter colligere.

Quapropter, Eminentissime Domine, ut Vicarius Apostolicus Medii Districtus, humiliter peto ut S. Congregatio (suppressa si ipsi placeat omni quaestione de Societate et Sociis Jesu, quam quaestionem hi ipsi nunc praesentes nullo modo moturos esse mihi promittunt) permittat Praesidi Collegii Stonyhurstii illos alumnos suos quos dignos et sufficienter instructos reperit, cuicunque episcopo, sive Anglo sive Hiberno, communione ac institutione Apostolica fruenti, sistere pro Ordinibus Ecclesiasticis et sacris suscipiendis, qui potest et vult eos conferre, attenta praesertim infirmitate Vicarii Apostolici Septentrionalis, qui jam nec stare pedibus nec verba sacramentalia distincte proferre potest. Insuper, pro impediendis futuris obstaculis cura animarum, peto ut illa S. Congregatio dignetur aliquo modo significare fas esse dicto R. Praesidi mittere quoslibet sacerdotes sui Seminarii iis locis et Capellis quarum est Patronus temporalis aut pro quibus Patroni temporales petunt quoscunque Alumnorum suorum.

Ut Deus optimus maximus diu sospitet Eminentiam Vestram caeterosque Ven. Patres S. Congregationis semper orat

Obedientissimus Em. Vestrae servus in Christo,

✠ JOANNES MILNER, V.A.

(10) Address of English Catholic Laymen in Favour of the Stonyhurst Fathers.

In order to enable the reader to form an opinion with respect to the various questions which centred around this Address, it is here copied from two separate sources.

No. I. is taken from a letter from Dr. Gradwell to Bishop Poynter, dated January 20, 1820, in which he describes his transcript as "an exact copy, even to the faults of spelling". It was transcribed by him from one of the two copies actually presented to the Pope. The other copy so presented agrees with it almost precisely, except that the spelling has been corrected, and the Apostyle is omitted. It was also accompanied by an Italian translation.

No. II. is taken from Sir John Coxe Hippisley's Letter to Cardinal Litta, bound up with his *Statement of Facts*.[1] This, according to Butler,[2] agrees with the copy sent to Rome in April, 1820, by Rev. Charles Plowden, who vouched for its exact agreement with the original in England. Charles Plowden also sent with it an independent translation into Italian. (See iii., pp. 37 and 41.)

I.

We the undersigned Catholic Peers, Baronets and Gentlemen of the Kingdom of Great Britain, approach your Holiness with gratitude for the concern, which your Holiness has always expressed for our welfare, and with full confidence that your Holiness will not disregard our petition, knowing that the preservation of Catholic Religion in this Kingdom depends principally on the Priests whom we maintain, on the Schools which we every where support, and on the places of public worship, which we erect and uphold on our own lands for the benefit and comfort of our brethren in the exercise of religion.

Among the several Institutions for the advancement of religion none are more pretious to us than our houses of Catholik education, which by the relaxation of the penal laws, we may now possess at home. In the general downfall of British continental houses of education, to which we formerly resorted with great inconvenience, Providence has afforded us a resource in the distinguished College of Stonyhurst, which the pious generosity of a Gentleman of our number has erected among us, which your Holiness and your immediate predecessor of holy memory have recognized and protected not merely as a temporary School of Catholic education, but as an Institution where a succession of able Professors of sciences will be formed, and a considerable accession of Missionary Priests will be

[1] P. 50. [2] *Addition to Hist. Mem.*, p. 65.

obtained, if no interruption be given to its government and Statutes. In this house in great part we educate our children, and we bear witness to the spirit of piety and learning, to the regular order of the domestic discipline, which prevail in it, and to the well merited reputation which it has acquired.

It is then, Most Holy Father, with infinite regret that we hear that obstacles are contrived to hinder the happy progress of this house, and in particular that attempts have been made to persuade your Holiness that the executive Government of this kingdom is hostile to it. But we venture to assure your Holiness that the Rulers and Managers of this interesting house are secured and protected by the letter of the standing law, and as we believe, by the actual dispositions of his Majesty's Ministers equally with all others, authorised conductors of Catholic education; and therefore in full confidence we earnestly pray that your Holiness will not permit any alteration to be made in their spiritual Rights, Government and Statutes; and that your Holiness will take measures to enable the members of this establishment at once to fulfil their conscientious obligations, and to continue their meritorious services to Catholic religion, and to the education of Catholic youth in this kingdom.

Wishing your Holiness a series of many happy years in the Government of the Church, we devoutly implore your Holiness' Apostolical Benediction.

October 28, A.D. 1818.

Peers.	*Baronets.*	*Esquires.*
Arundell	Henry Lawson	Honble. Charles Clifford
Clifford	Thomas Vavassour	Honble. Philip Stourton
Stourton	George Jerningham	John Talbot
	Edward Hales	Ths. Raymond Arundel of Grove Park
	Thomas Gage	E. Anderton of Ince
	Carnaby Haggerston of Haggerston	A. B. Blake of London
	Thos. S. Massey Stanley of Hooton	Chas. Butler of Ditto
		John Dalton of Thurinam
		Edward Darell of Calehill
		Edwd. Darell Junior of Ditto
		Edwd. Jerningham of London

John Hussey of Marnhull
John Gage of London
Robert Gage Rookwood of Coldham
Marmaduke Maxwell Constable of Teregles and Everingham
Wm. Midleton of Midleton
Peter Midleton of Stockfield
Ths. Meynell of Yarum
Cosmas Neville of Holt
Wm. Sheldon of London
Simon Scroope of Danby
Ths. Strikland of Sizergh
Stephen Tempest of Broughton
Stephen Tempest Jun. of Ditto
Joseph Weld of Pylewell
Chs. Waterton of Walton
John Wright of London.
Chs. Walmesley of Westwood
John Webbe Weston Satton
John Webbe Weston Jr. of London
Ths. Weston of Sutton Place
Wm. Waughanan of Courtfield
Ths. Haggerston of Ellingham

The R.R. Gentlemen of Stonyhurst to prevent the total ruin of their College already declared by Pius VI of holy memory, as a Missionary Seminary and as enjoying the privileges of Pontifical, and Episcopal Seminaries, humbly sollicit but a privilege common to all such Insti-

tutions, by which their superior be authorised to present for Holy Orders his subjects to any Bishop of the British Dominions, and that it may please his Holiness to direct the S. Congregation of Propaganda to communicate to the R.R. Vicars Apostolic the beneficial dispositions of the holy See in favour of Stonyhurst.

II.

We, the undersigned Catholic Peers, Baronets, and Gentlemen, of the kingdom of Great Britain, approach your Holiness with gratitude, for the solicitude which your Holiness has always expressed for our spiritual and temporal welfare, and with full confidence that your Holiness will not disregard our petition, knowing that the preservation of the Catholic religion in this kingdom, depends, principally, on the priests, whom we maintain, in (*sic*) the schools, which we everywhere support, and on the places of public worship, which we erect and uphold on our own lands, for the benefit and comfort of our brethren in the exercise of religion.

Among the several institutions for the advancement of religion, none are more precious to us than our houses of Catholic education, which, by the relaxation of penal statutes, we may now possess at home. In the downfall of British continental houses of education, to which we formerly resorted with great inconvenience, Providence has afforded us a resource in the distinguished College of *Stonyhurst*, which the pious generosity of a gentleman of our number has erected among us, and which your Holiness and your immediate predecessor, of holy memory, have recognised and protected, not merely as a temporary institution of Catholic education, but as an institution where a succession of able Professors of sciences will be formed, and a considerable accession of missionary priests will be obtained, if no interruption be given to its government and statutes. In this house we educate our clergy, and we bear witness to the spirit of piety and learning, to the regular order of domestic discipline which prevail in it, and to the well merited reputation which it has acquired.

It is, then, with infinite regret, that we hear that obstacles are contrived to hinder the happy progress of this favourite house, and in part that attempts have been made to persuade your Holiness, that the Executive Government of this kingdom is hostile to it. But we venture to assure your Holiness, that the Masters and Managers of this interesting house, are secured and protected by the letter of the standing law, and by the actual dispositions of his Majesty's Ministers, equally with all the authorised conductors of Catholic education. And, therefore, in full confidence we earnestly pray, that your Holiness will not permit any alteration to be made in their

spiritual rights, governments, and statutes. And that in your wisdom, your Holiness will take measures to enable the members of this establishment at once to fulfil their conscientious obligations, and continue their meritorious services towards the education of Catholic youth in this Kingdom.

Wishing your Holiness a series of many happy years in the government of the Church, we devoutly implore your Holiness's apostolical benediction.

(11) The "Somaglian Decree".[1] December 14, 1818.

Quum compertum fuerit illustre Seminarium Pontificium e Civitate Leodiensi Stonyurstium Lancastriae in Anglia translatum, ad Orthodoxam promovendam fidem, juvenesque pietate ac bonis artibus instituendos plurimum conferre, cumque R. P. D. Joannes Milner, Episcopus Castabalensis in medio Angliae Districtu Vic. Ap. enixe supplicaverit, ut ad explanandas difficultates, facilioremque reddendam ipsius Collegii utilitatem ac fructum, illius Praesidi pro tempore facultas tribuatur, quae caeteris Pontificiorum Collegiorum Rectoribus concedi solet, expediendi nimirum literas dimissoriales ejusdem Seminarii Alumnis, quos idem praeses dignos ac idoneos in Domino judicaverit, ad hoc ut minores et sacros ordines a quolibet Catholico tum Angliae tum Hiberniae Episc., non servatis interstitiis et extra tempora, promoveri possint; nec non altera mittendi scilicet ac mancipandi Sacerdotes ipsius Collegii Alumnos in ministerio earum Ecclesiarum seu Sacellorum, quorum jure patronatus idem Praeses potitur et gaudet, vel quo a caeteris sacellorum patronis ii sponte accerseantur; S. Congr., cui nihil magis cordi est quam S. Fidei incrementum, et sedula Catholicorum cura, referente R. P. D. Carolo Maria Pedicini Secretario, censuit ac decrevit supplicandum esse Ssmo. pro confirmatione jurium ac privilegiorum omnium quae S. Mem. Pius PP. VI. sub die 14 Feb. anni 1796 eidem Seminario est elargitus, nec non pro concessione praedictarum facultatum, quae a R. P. D. Milner Vic. Ap. petitae sunt, servatis tamen regulis quae a Sac. mem. Benedicto XIV in Constitutione edita die 30 maii 1753, quae incipit "Apostolicum Ministerium," praescriptae sunt. Hanc autem S. Cong. sententiam SS. D. nostro Pio VII. relatam in Audientia habita per eundem D. Secretarium, die 20 Decembris 1818, Sanctitas sua benigne in omnibus adprobavit, nec modo omnia et singula Pontificii Collegii Stonyurstii jura ac privilegia, quae hactenus a summis Pontificibus, ac praesertim a sac. mem. Pii VI. Praedecessoris sui concessa sunt, confirmavit, sed etiam Praesidi ejusdem Seminarii pro tempore, facultates de quibus supra, salvis regulis ab

[1] Gradwell's *Documenta*, p. 4.

eodem Benedicto XIV. jam traditis, benigne in Dom. impertivit, contrariis quibuscumque non obstantibus.

Datum Romae ex Aedibus dictae S. Cong. die et anno quibus supra.

Pro Emo Domino Card. Praef. absente
Julius M. Card. de Somaglia.
C. M. Pedicini Secretarius.

(12) Cardinal Somaglia to Bishop Milner Enclosing the Above Decree.[1] December 23, 1818.

Perpensis iis quae Ampl. Tua per litteras 5 Oct. proxime elapsi significavit, S. haec Congr. indulgendum censuit postulationi tuae; proindeque a SS. Domino nostro obtenta benigne est non modo jurium ac privilegiorum omnium confirmatio, quae Pontificio Stonyurstii Seminario hactenus concessa sunt, sed etiam binae facultates ab Amplit. tua ipsius Collegii praesidi petitae, ut ex inserto decreto fusius intelliges. Verum pro bono pacis curandum est, ut nulla fiat de hujusmodi concessione ostentatio vel evulgatio, sed Ampl. Tua adjunctum ipsius documentum Seminarii praesidi silenter tradet, ut ipse obtentis facultatibus prudenter ac sine strepitu utatur, nec eas nisi cum necessitas postulat producat. Interim Deum precor ut Ampl. tuam servet ac sospitet.

Romae ex aedibus S. Congregationis, de Propaganda Fide die 23 Decembris 1818.

Pro Emo D. Card. Praef. absente uti Frater studiosissimus.

Julius M. Card. de Somaglia.
C. M. Pedicini Secrius.

Reverendissimo D. Joanni Milner, Episcopo Castabalensi, in Medio Angliae Districtu Vicario Apostolico.

(13) Correspondence between Bishop Poynter and Lord Sidmouth.[2]

(*a*) *Bishop Poynter to Lord Sidmouth, March* 30, 1819.

My Lord,

Thinking it most proper that I should communicate the subject on which I took the liberty yesterday to request the favour of an audience rather to your Lordship than to any other person, I beg to enclose the accompanying statement, which contains the substance of what I thought it my duty to submit to your Lordship. Fearing that perhaps the Gentlemen interested might by their activity obtain a grant of their petition, even before the Bishops, the Vicars Apostolic of England, are consulted on the point, and anxious to prevent the consequences which might follow from such a grant obtained on the assurance given that it is not disagreeable to the actual disposition of

[1] Gradwell's *Documenta*, p. 3. [2] *Westminster Archives.*

his Majesty's Government, (if such should afterwards be found not to have been the case) I presume with due submission to request your Lordship to have the goodness, if you think proper, to inform me whether I can safely answer my agent at Rome by saying that his Majesty's Government has no objection to the establishment of the Society of the Jesuits in England. I beg to assure your Lordship that I wish only to act fairly and honestly in this business, which I conceive to be of importance to the public state of the Catholics in England, and to prevent the consequences which might follow from any mis-statement or misunderstanding.

I sincerely hope that your Lordship will soon recover from the effects of the accident which I was sorry to hear you had suffered. It gives me pain to trouble your Lordship in your present state; but the urgency of my sending an immediate answer to my agent at Rome will, I hope, be my apology for this intrusion.

I have the honour to be, with great respect and consideration,
Your Lordship's most humble and obedient servant,
✠ Wm. Poynter, V.A.L.

4 Castle Street, Holborn, *March* 30, 1819.

The Statement.

In the month of July 1815, the Superior of the Catholic College at Stonyhurst asked Dr. Poynter if he would ordain the young men on the title of Religious Poverty, who should be presented to him for Holy Orders by the Superiors of that College. This is the title on which the members of religious orders are ordained in the Catholic Church. Dr. Poynter answered that by ordaining them on that title he would acknowledge officially that the Jesuits are established as a religious Order in England, which at present he could not do; considering that by the letter of Cardinal Borgia dated 3 December 1803, the Vicars Apostolic in England were charged not to receive those who should call themselves Jesuits as such, nor to allow them any of the privileges of a religious Order, until they (the Vicars Apostolic) shall be officially informed by the Apostolic See through the Congregation of Propaganda that they are lawfully established as a religious body. Dr. Poynter added that no information to that effect had yet been received, at least by himself.

To satisfy the mind of Dr. Poynter on this subject, the Cardinal Prefect of Propaganda, in a letter dated 2 December, 1815, officially explained the meaning and intent of the bull of Pope Pius VII. published in the month of August 1814 concerning the restoration of the Society of the Jesuits by declaring "that this Society is restored in every part of the world where the civil powers shall consent to receive it or to recall it".

On the 14th February 1818 the same Cardinal Prefect of the Propaganda was induced to write in a letter to Dr. Gibson the Vicar Apostolic in the Northern District, that the Society of Jesuits is restored in England as well as in other countries. As soon as his Holiness the Pope heard of the purport of this letter, he ordered the Cardinal Prefect to inform Dr. Gibson immediately (which he did by a letter of the 5th May 1818) that the letter of the 14th February is to be considered as of no effect, and as not written. His Holiness is reported to have declared verbally at the same time that it was not his intention to restore the Society in any country where the civil Government did not consent to receive it.

On the 3 July, 1818, the Superior of the College of Stonyhurst sent a petition to the Cardinal Prefect of the Propaganda for leave to have their young men ordained on the title of Religious Poverty, or in other words to have them officially acknowledged as members of a religious order in England. This petition was strongly urged by the supporters of those Gentlemen in Rome.

Dr. Poynter being informed of the tendency of this letter, which embraced also other objects of great public importance, wrote to Rome, September 15, 1818, to request that the objects of this petition of the Superior of the College at Stonyhurst, inasmuch as they affect the public state of the Catholic mission in England, might not be granted before the Bishops, the Vicars Apostolic, were consulted and heard upon them.

Since that time the most powerful influence has been employed, and is still employed by the supporters of the Gentlemen of Stonyhurst at Rome, to obtain a grant of the objects of the above mentioned petition.

In order to procure from his Holiness a declaration that the Society of the Jesuits is established as a religious body in England, it is strongly urged at Rome by the Gentlemen of Stonyhurst that the British Government has no objection to it, and even that a disposition has been manifested by the Ministry rather in its favour.

(*b*) *Lord Sidmouth to Bishop Poynter.*

WHITEHALL, 2 *April*, 1819.

SIR,

I have to acknowledge, with many thanks, the receipt of your letter of the 30th of March, together with an enclosure, and I have the honour of acquainting you in reply that the Prince Regent and the British Government feel insuperable objections to the establishment of the Society of the Jesuits in England.

I have the honour to be, Sir,

Your most obedient and humble servant,

SIDMOUTH.

(*c*) *The Same to the Same.*

WHITEHALL, *1st January*, 1820.[1]

SIR,

Having heard that a wrong interpretation has been given to the sentiments conveyed in my letter to you of the 2nd of April last, and that in consequence it has been inferred that the objection of his Majesty's Government to the establishment of the Society of Jesuits applied to England only, I am induced to call your attention to that letter and to yours of the 30th of March, to which it was a reply.

The particular sentence of your letter to which my answer referred was as follows: "Whether I can safely answer my agent at Rome by saying that his Majesty's Government has no objection to the establishment of the Society of Jesuits in England"; and you will observe that the answer was strictly adapted to your question, and was naturally confined within the same limits.

I have thought it proper to make this explanation, for the purpose of showing that the opinion which appears to have obtained was not justified by anything that had passed in the correspondence between us. But in order to remove all doubts upon the subject, I beg leave now distinctly to state that the objections to the formation of the establishment in question apply generally to every part of the United Kingdom.

I have the honour to be, Sir,
Your most obedient humble servant,
SIDMOUTH.

(14) REV. JOHN LINGARD TO REV. ROBERT GRADWELL RECOMMENDING A COMPROMISE WITH THE STONYHURST FATHERS.[2] OCTOBER 28, 1819.

Before this you will have been acquainted with the smuggled brief: and have received remonstrances to present against it. I have been a fortnight with Bishop Smith, but fear that he is not a man of business. He has indeed an excuse, his frequent avocation by Bishop Gibson, and persons calling in. As, however, I conceive some observations may be omitted by him, which may not suggest themselves to you, as probably you have not copies of the original indults to Stonyhurst, I shall make no apology for adding here what I think may be useful information to you.

1. In every rescript or indult there is a confirmation of or reference to the brief *Catholici Praesules*, by which the College was first

[1] In the original the date is 1819, evidently in error.

[2] Letter-book in possession of the English Jesuits: copied from original in the Archives of the English College, Rome.

established at Liége. By this the President was to be appointed by the Bishop of Liége, being first chosen out of the members of the College, and presented by the VV. AA. and the peers of England. (N.B. I am certain of the words underlined, not of the rest.) As Mr. Plowden did not show Bishop Smith any rescript respecting the appointment of President besides this, may it not be asked how he comes to be President? If the College exists by virtue of this brief, does not the appointment of the President belong to the Bishop of the District? Perhaps they will say it devolves to the Pope. But has the Pope appointed him?

2. In the last Indult, Stonyhurst is called "insigne collegium *Pontificium*." Why *Pontificium?* In no other indult is it so called. But it is so called for the purpose of the grant, viz. that the President may have the same faculty of granting dimissorials as is possessed by the Presidents of *all other Pontifical Colleges*. These are the very words. Now I cannot find among their papers a word referring to the subject, unless it be an answer from Pius VI., who at their request, on their arrival at Stonyhurst says that he takes them under his protection (*tutela*) and confirms to them all the privileges granted by the brief *Catholici Praesules*. But does this make it a Pontifical College? Do inquire. I think Stonyhurst has no right to the title or privileges.

3. If it be a Pontifical College, are not the *alumni* forbidden, as were the *alumni* of all our other English Pontifical and Irish Pontifical Colleges to enter into any religious order? How then can the *alumni* of Stonyhurst become Jesuits?

4. By two of the rescripts, all the *alumni* are bound to take an oath *se perpetuo missioni in Anglia inservituros*. After taking this oath, how can they become Jesuits? One is incompatible with the other. By the first they must stay in England, by the second they may be sent by their religious superiors to any part of the world. By the first they must be missionaries, by the second they may be employed as their religious superiors think proper.

5. By one of the rescripts (the first, I believe, given by the present Pope) the superiors are permitted to arrange whatever belongs to the internal administration of the house and the alumni are to serve the mission eadem omnino ratione, et cum iisdem privilegiis seu facultatibus quibus alii aliorum Collegiorum alumni seu Pontificiorum, seu Episcopalium (N.B. the words underlined are the very words, the others nearly so.) Does not this show that when on the mission they are to be at the *disposition* of the Bishop like other *alumni?* The object of the late rescript is evidently to restore the Order in England. The young men are sent to Ireland, where they are ordained *titulo paupertatis*, and then Mr. Plowden disposes of them here as regulars.

After all, my opinion is this, that the Bishops should be content (Bishop Smith is) to come to some composition with them: viz. let the President send his *alumni* where he will to be ordained, but first let him ask the Bishop of the District, and only send them to another when the Bishop of the district refuses. 2. Whenever they are ordained, let it be *titulo missionis*. 3. Let the President send them to those places which he has hitherto been accustomed to supply. But first let him give in to the Bishop a list of those places, that there may be no dispute &c. hereafter. 4. Before the Bishop grants faculties to those whom Mr. Plowden shall send, let him or his vicar examine them; when once they are placed, let them be fixed there, nor removable without the consent of the Bishop. This I think would restore peace. It would give to Stonyhurst all it can reasonably desire, and preserve to the Bishop as much authority as it would be prudent to claim while that house has so many friends. But this is all my own suggestion. I think it would be more politic first to require the revocation of the last indult, and at length condescend to some accommodation like that I have mentioned.

(15) Revocation of "Somaglian Decree".[1]

Brief of Pope Pius VII.

April, 18, 1820.

Breve Pii Papae Septimi ad Episcopos Vicarios Apostolicos Angliae et Scotiae missum.

Pius PP. VII.

Venerabiles Fratres, Salutem et Apostolicam Benedictionem. Non sine magno animi nostri dolore, ex vestris ad nos datis litteris die 30 octobris elapsi anni intelleximus, Venerabiles Fratres, vehementer vos commotos ac perturbatos esse ob decretum quod incipit "Cum compertum fuerit," Vobis inconsultis, imo nec tale quidpiam suspicantibus, a Congregatione Propagandae Fidei, favore Collegii apud Stonyhurst latum, die 14 decembris 1818, ac Vobis non nisi aliquot post menses communicatum. Si quidem nobis significastis et vestram hoc decreto minui auctoritatem jurisdictionemque praepediri, et statum ac ordinem everti, quem ad praecidenda atque e medio auferenda in Anglicanis istis missionibus jamdudum exorta dissidia tanta sapientia statuit, optimisque regulis communivit fel. rec. Benedictus XIV. Praedecessor noster, Apostolicis litteris in forma Brevis, quarum initium "Apostolicum ministerium" die 30 maii anni 1753 sub annulo Piscatoris datis; insuper et causam praeberi gravioribus adhuc dissidiis, ac in dies recrudescentibus commotioni-

[1] *Westminster Archives.* See also Gradwell's *Documenta*, p. 6.

bus. Enixe propterea efflagitatis a nobis ut relate ad supramemoratum decretum quid nobis aequius et utilius in Domino visum fuerit statuamus, utque in posterum Vestratibus postulantibus gratias et privilegia ordinem in missionibus istis feliciter stabilitum mutatura, non concedantur, nisi vobis Episcopis prius auditis, qui non unius tantum domus utilitatibus invigilatis, sed totius in ista insula Ecclesiae curam a Nobis commissam habetis.

Quanta admiratione affecti fuerimus haec intelligentes ex eo dignoscere potestis, Venerabiles Fratres, quod cum memoratum decretum, ut probe nostis, ad preces, necnon opera et studio unius ex vestris in Apostolico ministerio Collegis latum fuerit, nec suspicari quidem poteramus, eundem, vobis insciis, aut contra vestram sententiam quidpiam in tanto negotio egisse, ac in Vicariorum Apostolicorum, ideoque et suae pariter jurisdictionis praejudicium, harum missionum statum turbare subreptive aut inconsiderate voluisse. Sicut neque illud pertimescendum videbatur ne regulae ac statuta a felic. rec. Benedicto XIV. Praedecessore nostro praescripta, obtentu privilegiorum favore Collegii apud Stonyhurst subverterentur, cum ipsa Congregatio de Prop. Fide in eodem Decreto salva esse ea omnia expresse voluerit atque edixerit. Verum contra nostram ejusdemque Congregationis mentem ac vota rem cessisse ex vestris litteris dolentes conspicimus.

Quapropter, ut verbis utamur Bonifacii IX., Praedecessoris nostri "cum deceat Romanum Pontificem, praecipuum justitiae Conservatorem, et Auctorem, si quae alias deneganda concesserit, ea postea rerum veritate comperta, ad statum debitum reducere, ac reformare, prout id conspicit salubriter expedire" omnibus serio matureque perpensis, expostulationibus vestris, Venerabiles Fratres, satisfacere decrevimus. Hinc ut vel exorta auferantur, vel alias fortasse oboritura praecidantur dissidia, ex quibus non parum incommodi ac detrimenti Religio ipsa Catholica in istis missionibus capere posset, atque suus cuique constet honor, ac jura sarta tecta serventur, memoratum decretum, quod incipit "Cum compertum fuerit" a Congregatione Propagandae Fidei latum, favore Collegii apud Stonyhurst, die 14 Decembris anni 1818, auctoritate Apostolica qua fungimur, penitus infirmamus, nullumque ac irritum tenore praesentium declaramus, decernentes praeterea ut gratiae et concessiones, quae tam a Praedecessore nostro fel. re. Pio Papa VI., quam a nobis (sub die 26 Septembris anni 1802) ejusdem Collegii Praesidi impertitae fuerunt, intra eos limites revocentur et contineantur, quibus concludebantur antequam enuntiatum decretum fieret, servatis in reliquis iis omnibus quae in memoratis Apostolicis in forma Brevis litteris, quarum initium "Apostolicum ministerium" a fel. rec. Benedicto

XIV. praedecessore nostro, statuta ac praescripta reperiuntur. Quam quidem nostram declarationem eadem Congregatio Propagandae Fidei jussu nostro notam faciet saepe dicti Collegii apud Stonyhurst Praesidi, minime dubitantes fore ut sic omnia ad optatum exitum feliciter perducantur.

Illud etiam praedictae Congregationi Propagandae Fidei mandamus, ut quotiescumque aliquis ex vestratibus gratias aut privilegia, unde ordo in missionibus istis feliciter statutus immutaretur, ab Apostolica Sede petierit, id Apostolicae auctoritati nostrae concedendum non proponatur, nisi prius Congregatio ipsa sententiam vestram exquisierit, ut ita missionum istarum bono feliciter prospiciatur.

Interea, Venerabiles Fratres, memoria recolentes praeclara B. Pauli Apostoli verba, quibus admonemur omnia nostra secundum ordinem et in caritate facienda esse, magis satagite, ut dum justo ac discreto rerum et personarum Ordini, per Apostolicam nostram sollicitudinem, quoad licuit provisum esse cognoscitis, per diligentiam vestram erga Praesidem et Alumnos florentis Collegii apud Stonyhurst, qui studiis promovendis, ac juvenibus in spem Catholicae Religionis instituendis incumbunt, caritati aeque provisum esse Nos pariter cognoscamus.

In excolenda Domini vinea adlaborantes, Venerabiles Fratres, omne studium operamque vestram in id intendite, ut fideles omnes quos Pastorali sollicitudini vestrae commisimus, se ipsos invicem diligant in caritate non ficta, in verbo veritatis, ut in praesenti rerum animorumque perturbatione, in omnibus seipsos praebeant exemplum bonorum operum, ut Regem honorent, illique ita subjecti ac fideles existant, ut qui ex adverso sunt vereantur, nihil habentes malum dicere de nobis; ut a perversorum librorum lectione, quibus calamitosissimis hisce temporibus sancta nostra Religio undique impetitur, abstineant, et piorum librorum ac praesertim Sacrarum Scripturarum lectione, in editionibus ab Ecclesia adprobatis, in fide et in bonis operibus, vobis verbo et exemplo praeeuntibus, confortentur.

Quod, cum a Vestra Fide, spectataque in Nos observantia praestitum iri confidimus, in pignus singularis nostrae erga Vos benevolentiae, Apostolicam vobis Benedictionem impertimur.—Datum Romae apud Sanctam Mariam Majorem, die 18 Aprilis anni 1820. Pontificatus nostri anno XXI.

PIUS PP. VII.
H. Card. Consalvi.

Venerabilibus Fratribus Episcopis Vicariis Apostolicis Angliae et Scotiae.

(16) Cardinal Consalvi to Bishop Poynter.[1]

Romae, 18 *Aprilis* 1820.

Illme et Rme Dne

Reverendus Dominus Robertus Gradwell, Collegii hujus Anglicani Rector, Epistolam Amplitudinis Tuae die 14 elapsi Martii datam, reddidit mihi, in qua Amplitudo Tua notum mihi facit, Nobilissimum Dominum Sidmouth, Regis Secretarium primarium pro rebus domesticis Regni, ab Ea enixe quaesiisse, quid tandem factum esset de illo decreto die 14 Decembris anni 1818 Romae lato, cujus ipse Minister accuratam notitiam habuit tribus mensibus antequam Episcopi Vicarii Apostolici in Anglia (excepto R. D. Milner) vel minimam ejusdem Decreti suspicionem habuerint. Addit Amplitudo Tua, sibi omnino necessarium esse, Regiis ministris aperte declarare utrum decretum illud abrogatum fuit, et quo loco illi qui Institutum Societatis Jesu in Anglia amplecti volunt apud Sanctam Sedem habeantur, praesertim post declarationem illam authenticam mentis Magnae Britanniae Regis, Guberniique sui, circa existentiam Societatis Jesu in Imperio Britannico, quam Amplitudo Tua, mense Aprilis elapsi anni, ad me transmisit.

Quod Decretum illud spectat de quo Amplitudo Tua caeterique Vicarii Apostolici in Anglia et Scotia (excepto R. D. Milner) Litteris ad Sanctissimum Dominum datis conquesti sunt, ex adjuncta Sanctitatis Suae responsione intelliget Amplitudo Tua, supramemoratum Decretum abrogatum plane fuisse. Non est ergo cur Amplitudinem Tuam longius hac de re morer, sed alteri questioni ab Eadem factae potius satisfaciam.

Declaratio illa quam Nobilissimus vir Sidmouth, Regis Secretarius primarius pro rebus domesticis Regni, Amplitudini tuae die secunda Aprilis proxime elapsi anni dedit, scilicet, "Regem (tunc temporis Principem Regentem) et Gubernium Britannicum, ob rationes insuperabiles Societati Iesuitarum in Anglia restituendae consentire non posse" aperte evincit civilem in Anglia Potestatem Societati Iesu recipiendae aut revocandae minime consentire. Authentica illa interpretatio Constitutionis Sanctissimi D. N. Papae quae incipit "Sollicitudo omnium Ecclesiarum" quam Eminentissimus D. Card. Litta, Sacrae Congregationis de Propaganda Fide tunc Praefectus, Amplitudini tuae per litteras die 2 Decembris anni 1815, dedit, nempe memorata superius Constitutione "Societatem Iesu restitutam esse in Universis Orbis Provinciis in quibus civiles Potestates illam recipere aut revocare consenserint," omnem plane dubitationem de medio tollit, atque ex ea palam fit, Amplitudinem Tuam jure compertum sibi esse affirmare, Societatem in Anglia nondum esse restitutam.

[1] Gradwell's *Documenta*, p. 6.

Nec quidquam hac in re obstat epistola ab eodem Eminentissimo Cardinali Sac. Congregationis de Propaganda Fide Praefecto, ad Episcopum Acanthensem, Districtus Septentrionalis Vicarium Apostolicum, die 14 Februarii anni 1818 scripta, quippe quae vigore declarationis ab eodem Eminentissimo Domino factae, in posterioribus Litteris die 5 Maii ejusdem anni, ad eundem Episcopum datis "tanquam non scripta" haberi debeat.

Verum licet nihil magis apertum mea quidem sententia sit, quam ex relatae Pontificiae Constitutionis interpretatione illud consequi, quod illatum ab Amplitudine Tua jam fuisse video, tamen ut Eidem morem gererem, universam rem Sanctissimo Domino exposui, qui me Amplitudini tuae ea quae sequuntur rescribere jussit.

Nempe Sanctitatem suam, postulante Paulo I. Russorum tunc temporis imperatore, per litteras in forma brevis die 7 Martii anni 1801 datas, Societatem Iesu a fel. rec. summo Pontifice Clemente XIV. suppressam, intra fines tantum Russiaci Imperii restituisse.

Postmodum consilia quae Sanctitas sua pro supramemorato Imperio capienda decrevit, ad utriusque Siciliae Regnum, precibus Ferdinandi Regis extendenda judicasse, demum, quoniam continue sive ab Episcopis, sive a Laicis Nobilibus viris petitiones pro restituenda, modo in una, modo in alia Provincia, Societate Iesu, ad Sanctitatem suam ferebantur, eamdem Societatem non pro determinato aliquo Regno, sed generatim restituisse, ita ut si Principes viri in dictionibus sibi subjectis, Societatem admittere et revocare desiderarent, opus iisdem non esset peculiari Apostolica concessione, sicut et pro Russiaco Imperio, et pro utriusque Siciliae Regno opus fuit; ac proinde memoratam superius Constitutionem qua Societas Iesu restituta fuit, ita prorsus esse intelligendam, quemadmodum Eminentissimus Card. Litta, cum Propagandae Fidei Congregationi praeesset, Amplitudini tuae per litteras die 2 Decembris anni 1815 datas declaravit.

Quare Amplitudo Tua Regis Ministris poterit declarare, Societatem Iesu in Anglia, cum civilis Potestas eidem recipiendae ac revocandae repugnet, nondum restitutam censeri, quamvis generatim ita restituta sit, ut si Gubernium illam admittere vellet, opus non esset peculiari Apostolica concessione ut eadem Societas in Anglia recipieretur.

Haec habui quae Sanctitatis suae jussu manifestarem Amplitudini Tuae, cui fausta ac felicia omnia a Deo optimo maximo deprecor.

Amplitudinis Tuae Addictissimus Servus
H. Card. Consalvi.

Illustr. et Rev. Domino
Gulielmo Poynter, Episc. Haliensi,
Vic. Ap. Londinensi, Londinum.

(17) Cardinal Fontana to Bishop Milner.[1] April 29, 1820.

(Extract.)

Aliud praeterea suae Sanctitatis mandatum tibi communicandum habeo circa Decretum a S. Congregatione latum die 14 Decembris 1818, quo Praesidi Collegii de Stonyhurst facultas est impertita dimissoriales litteras expediendi, quibus possent ejusdem Collegii Alumni a quolibet Catholico Antistite ad ordines promoveri. Cum enim caeteri collegae tui, Vicarii Apostolici Angliae et Scotiæ, ostenderint, eorum auctoritatem ac jurisdictionem eo laesam esse decreto eversumque ordinem a Sa. Me. PP. Benedicto XIV statutum, Beatissimus Pater idem decretum Apostolica sua auctoritate revocavit, irritumque esse voluit quemadmodum ex adjuncto Apostolicarum litterarum exemplo Amplitudo Tua fusius intelliget. Quare dum velim ut iisdem litteris, quae etiam Stonyhurstii Praesidi communicantur, te plane conformes Deum O. M. precor, ut Amplitudinem Tuam diutissime servet ac sospitet.

(18) Cardinal Fontana to Rev. Charles Plowden.[2] April, 29, 1820.

(Extract.)

Cum perspectum fuerit Decretum a S. Congregatione latum die 14 Decembris anni 1818, quo tibi potestas facta est dimissoriales litteras expediendi, quibus istius Collegii Alumni possent a quolibet Catholico Antistite ordinari, noxios peperisse effectus, gravesque excitasse querelas Vicariorum Apostolicorum, qui suam auctoritatem ac jurisdictionem eo Decreto laesam, atque minutam esse senserunt, eversumque ordinem a Sa. Mem. PP. Benedicto XIV. pro Anglicanis Missionibus sapientissime constitutum, Sanctissimus Dominus Noster Pius PP. VII. praefatum Decretum Apostolica sua auctoritate revocavit, irritumque esse voluit, quemadmodum ex Apostolicarum litterarum exemplo, quod hic adjungo, quodque cunctis Angliae et Scotiae Vicariis Apostolicis communicatum est, Dominatio Tua fusius intelliget. Dum Te igitur hortor, ac moneo, ut Pontificio hujusmodi Mandato ea, quae par est obedientia, Te plane conformes, omnem bonorum copiam Tibi a Domino apprecor. . . .

Fr. Card. Fontana Praef.

(19) Petition of Bishops Collingridge and Baines in Favour of the Restoration of the Society in England.[3]

Beatissime Pater

D. Petrus Augustinus Baines Episcopus Sigensis, Revmi. Bernardini Collingridge Episcopi Thespiensis, in Districtu Occidentali Angliae Vicarii Apostolici Coadjutor, suo suique Coadjuti nomine humiliter Sanctitati vestrae exponere audet, sibi persuasum esse Re-

[1] Gradwell's *Documenta*, p. 18. [2] *Ibid.*, p. 14. [3] *Clifton Archives.*

ligioni plurimum profuturum si liceret Societati Jesu in Anglia suis privilegiis spiritualibus et Canonicis tamquam vero ordini religioso gaudere, non secus ac ceteri Ordines Religiosi ibidem constituti suis respective privilegiis perfruuntur.

Sed obstant quaedam Eminentissimorum epistolae ad quosdam Vicarios Apostolicos in Angliam missae, scilicet una Emi. Cardinalis Borgia data die 3ª Decembris 1803, altera Emi. Card. Litta 2ª Decembris 1815 scripta, tertia vero Emi. Card. Consalvi data die 18ª Aprilis 1820, ex quibus epistolis dubitatum est a nonnullis si Vicariis Apostolicis liceat sine nova authorizatione S. Sedis supradicta privilegia admittere.

Ex memoriali ab oratore una cum praesenti supplicatione Sanctitati vestrae exhibito, constare praesumit dubia supradicta nullo solido fundamento niti. Proinde Sanctitatem vestram humiliter implorat omne dubium de medio tollere simpliciter declarando Constitutionem "*Sollicitudo*" a Pio VII. S.M. promulgatam vim habere in Anglia quoad omnes effectus Spirituales et Canonicos ita ut singulis Vicariis Apostolicis liceat ejusdem Societatis Alumnos in Anglia seu alibi professos ad Ordines sacros titulo religiosae paupertatis promovere, caeterisque privilegiis spiritualibus et canonicis gaudere permittere, quibus reliqui Ordines religiosi ibidem gaudent, supradictis litteris ceterisque quibuscunque non obstantibus.

Quare, &c.

(20) Bull of Restoration.[1] January 1, 1829.

Praesenti rerum statu perspecto, annuimus petitioni oratoris et Episcopi Thespiensis, in Districtu Occidentali Angliae Vicarii Apostolici cui additus est Coadjutor, declarantes Constitutionem S.M. Pii PP. VII. praedecessoris nostri incipientem "Sollicitudo omnium ecclesiarum" etiam in Anglia vim habere quoad omnes effectus spirituales et canonicos, ita ut venerabilibus Fratribus nostris in Anglia Vicariis Apostolicis liceat Alumnos Societatis Jesu quocunque in loco ii sint, ad sacros Ordines titulo Religiosae paupertatis promovere, ac sinere ut eadem Societas omnibus fruatur privilegiis spiritualibus et canonicis ad formam Brevis ven. mem. Benedicti XIV. itidem praedecessoris nostri, quibus reliqui ordines religiosi in Anglia ipsa fruuntur, decretis et litteris Apostolicis, aliisque etiam speciali et individua mentione dignis in contrarium facientibus quibuscunque non obstantibus, eidemque oratori facultatem tribuimus ut mentem hanc nostram, prout expedire in Domino duxerit, iisdem ven. fratribus nostris Vicariis Apostolicis notam faciat.

Leo PP. XII.

Datum Romae ad Vaticanum.
die prima anni 1829.

[1] *Clifton Archives* and elsewhere.

APPENDIX L.

ATTEMPTS TO HEAL THE DIFFERENCES BETWEEN BISHOP MILNER AND THE OTHER VICARS APOSTOLIC.

(1) Dr. Curtis, Archbishop of Armagh to Dr. Poynter.

Drogheda, 22 *Oct.*, 1821.

My dear & honored Lord,

I have long been anxious to address, and to hear from your Lordship. The situation of our affairs, no less than my own feelings, call for such communication, which I consider as of the utmost importance, if we are to proceed with unanimity and fraternal concord in the direction of our common cause, so far as it may depend on our united efforts, as I think it always will, at least in some measure. But the late visit of our most gracious Sovereign, and a multiplicity of business of my own and the Diocese's, Commissions from Rome, &c., have imperiously withheld me from having this consolation sooner. I shall not trouble you, my Lord, with a useless detail of what occurred, even with respect to our Order, during his M.'s stay among us, as you will doubtless have found it all in the public Prints, displayed and repeated *usque ad satietatem;* and your own sagacity, besides the advantage of being at the fountain head, must enable you to judge better than we can pretend to do here, of what is likely to result, in our favour, from such seemingly flattering prospects.

Many of our friends, Members of Parl[t], on their return hither from the late Session, complained seriously of us Bishops, for having left them to legislate for us in the dark, for want of any the smallest instruction, or even hint, concerning what precisely we wished, and how far we could consistently go, in the way of concessions, securities, &c.; as they had found with surprise, the R. Hon. Mr. Plunkett, for arranging the plan of his Bill and debating its different clauses relative to Church Discipline, *et aliquid amplius*, had not so much as consulted any one Bishop, or any other R. C. Clergyman, or even Layman, in this Country—for Mr. Blake, though perhaps a native of it, was not warranted to express their sentiments—he certainly could have no commission from hence for grossly abusing, as I know he did then and there, the Irish Bishops indiscriminately, because we thought it our

[1] This and the following letters are among the *Westminster Archives.*

duty not to coincide in everything, that he, it seems, & Co, intruded themselves to dictate in London, on the occasion, relative to our Church. Our said Parliamentary Friends further assure us, they received no sort of information on the subject from your Lordship, or any other of the British Bps., and they believe that nothing of the kind had been given to other Members.

Surely, my Lord, our own duty and honour should oblige us still more forcibly, than those galling reproaches, to be more active and zealous on future occasions. I am very far, however, from thinking, that your seeming apathy, any more than our own, at that period, proceeded from any want of zeal or proper feeling, but rather from a persuasion, that our silence would be more acceptable, and better calculated to ensure success. Yet the general opinion seems now to be, that we were then mistaken, and industriously led into error. At all events let us, in God's name, attend to our own business, and gratefully receive the assistance of our friends; so that it be not dictatorial, or forced upon us; for that system has too long prevailed, and become intolerable.

It is here generally supposed, that something, in the way of Catholic Emancipation is meant to be done, in the course of the ensuing Session, and the only doubt seems to be, whether it will go down to the House as a Cabinet measure, or be left to our own Friends to propose and advocate it there, as usual. But whatever shape it may assume, we shall always want able, sincere and zealous Patrons, to sustain our cause in both Houses, and we should not leave them once more at liberty to guess at what we wish to obtain, and in what shape it would be gratefully received and considered by Catholics as a real Boon, nor to propose their own terms for ours, and that in matters concerning Religion, on which, I fancy, all parties will allow that we have a just Claim to be heard, at least, and that our humble fair remonstrance, which is not refused to the meanest individual, may not again, as it has, very improperly, been called legislating for Parliament, while, far from adopting ourselves, or approving in others any such rash unconstitutional language, we only mean to convey and submit our sentiments to its mature deliberation and supreme decision.

I beg leave to inform your Lordship that soon after the late rejection of the Catholic Bill, the R. Rev. Dr. Milner was kind enough to come over, and visited some of our Prelates then assembled with me, at the College of Maynooth, as its Trustees, and presented for our inspection and opinion the MS. plan of a Bill, which his L—— thought might be proposed to Parliament, instead of that drawn up by Mr. P., most of whose clauses, however, he retained, with little alteration,

except in the objectionable parts, which were entirely done away, or rather rendered unnecessary, by a certain very comprehensive oath, substituted by the Dr., as much better calculated to answer every purpose intended by the former Bill, and not, like it, exposed to give offence or cause alarm on any side. This he added, that he had presented said plan to some of the leading Members of both Houses, and among the rest to one at least of the Cabinet Ministers, I think, to Lord Liverpool, who all approved, and thought it a very advisable measure. We also (the Bps. then present) after a few corrections, that were made, found it, in our opinion, a good Plan, and extremely well adapted for the intended purpose: but said withal, that we could not answer for the opinion of our absent Confreres, who should be consulted on the subject, as also the English and Scotch Prelates, with all of whom we wished, and were determined to proceed in perfect unison in a business that equally concerns and interests us all and would consequently be taken up, and dispatched as such.

Nobody could more cordially and fully acquiesce and abound in those sentiments of fraternal union, than the Ven. Dr. Milner, who solemnly declared in the assembly, that the wish nearest his heart was, to live on the best terms, and always to act in concert with his Confreres; nay with such humility and frankness, as edified, and even drew tears from us all. He earnestly besought us to employ our influence, in order to effect a sincere and perfect reconciliation between himself, and any of his brethren, that he might be unhappy enough to have unintentionally offended, and to whom he offered to make every possible satisfaction and reparation they could require. He named your Lordship in particular, but with all the respect and esteem you could expect from your best friend; and he addressed himself to me repeatedly and, in the warmest manner, requesting I would make up any breach, that might still unfortunately subsist between you, as he had reason to think, he had lost your confidence.

Though I had been unsuccessful in my former application on this head to your Lordship and that a second attempt may appear too obtrusive, yet as I know your great goodness, and have witnessed in the R. Rev. Dr. M. a degree of docility and moderation that I thought him incapable of, and never before met with in a person of his character and circumstances, I take the liberty of humbly entreating your Lordship to renew your friendship and confidential intercourse with the interesting and exemplary Prelate, in whom, I am sure, you will find a true friend and faithful Confrere.

I have the honor to remain most respectfully,

My dear and hon. Lord,

Your devoted humble Sevt.

✠ P. Curtis.

(2) Bishop Poynter to the Archbishop Curtis.

Nov. 8, 1821.

My dear & most Hon^ed^ Lord,

I am honoured with your Grace's highly esteemed favour of 22 Oct. and I request your Grace to accept my grateful acknowledgments for this kind communication. I beg to assure your Grace, that I have on all occasions expressed my readiness to communicate and co-operate to the best of my judgment and endeavours with all the Prelates of the United Kingdom, in order to promote the success of our common cause. And I pray your Grace to be assured, that I shall ever feel in a particular manner the honor and advantage of a confidential correspondence with your Grace.

With respect to what took place in the proceedings of Mr. Plunkett's Bill in the last Session, I must say, that I did expect that there would have been an Episcopal deputation from the Irish Prelates to attend the progress of the Bill, and to communicate to our Parliamentary Friends the instructions of that enlightened and respectable Body, concerning what precisely they wished, and how far they could consistently go, in the way of concessions, securities, &c. Every thing relating to the drawing up of the Bill, to its Clauses, and to the Oaths inserted in it was kept as a profound secret from me, till I heard at a dinner on the 4th of March, where I had the honour to meet Lord Donoughmore and Lord Hutchinson, that a Form of Oath of Supremacy was prepared in the Bill, by which Catholics were to deny, "That any foreign Prelate hath or ought to have *any Ecclesiastical* or *Spiritual* Jurisdiction within these Realms". Lord Donoughmore and Lord Hutchinson will do me the justice to say how unequivocally I declared, that no Catholic could take such an Oath. On my Declaration being reported to Mr. Plunkett and to the Gentlemen of the Committee for forming the Bill, I was invited the next morning to meet them. I repeated to them what I had said the day before, that no Catholic could take this Oath at least without a qualification or explanation *attached* to it, which should secure to the Pope the plenitude of his spiritual and purely ecclesiastical Jurisdiction. I read to them a Memorial which I had drawn up the preceding day, to explain the true meaning of the terms *Spiritual and Temporal*, *Ecclesiastical and Civil*, and to show that no Catholic could swear, that the Pope has no spiritual and ecclesiastical Jurisdiction within these Realms. I will take the liberty to send Your Grace a copy of this Memorial. I obtained from Mr. Plunkett a copy of the explanatory Clause, which was intended to accompany the taking of this Oath. The following day I gave in a paper to Mr. P., in which I urged the necessity of some essential changes in the ex-

planatory Clauses, and I shewed the reason of this necessity. Mr. P. sent his answer to this prayer to a Catholic nobleman, that it might be forwarded to me, signifying at the same time his wish, that I would communicate directly with that Nobleman, if I had any further communications to make. In his answer Mr. Plunkett said, that the changes I proposed could not be admitted. From this time I was debarred from communicating with Mr. Plunkett or his Committee, except through the medium of Catholic Noblemen and Catholic Lawyers. Notwithstanding this I did not cease to labour every day, till the Bill had passed the House of Commons, to insist on corrections and changes in the Bill, and particularly in the oaths, that a clear distinction might be observed between the two Powers, and that every obnoxious or ambiguous clause might be omitted or corrected. When I urged these changes and corrections, I at the same time declared in writing, that I did not thereby give any kind of sanction or approbation to the oaths or Clauses of the Bill, as I was incompetent to do such a thing unless I should be authorized by other and higher Powers.

Whilst I was thus engaged, Bp. Collingridge came up to London. By our joint efforts we succeeded in having the Explanatory Clause embodied in the Oath and in having many other changes made. What changes were made in the Oaths and Bill, were obtained one after the other by our urgent remonstrances and importunities. If more were not made, it was not from any apathy or want of exertion on our parts. The changes which were made in the last stage of the Bill in the House of Commons were introduced by the recommendation of the Marquess of Londonderry, after an audience and explanation I had with his Lordship on the subject, on the morning of that day. Besides all this, I had many interviews with Lord Donoughmore, and I furnished him with many documents on the business. During this time, whilst Dr. Milner was making public opposition to the Bill *in a manner*, which appeared not likely to have any good effects and in which for that reason I could not unite with him, I was in communication with Bp. Collingridge, with Bp. Smith (Bp. Gibson being too infirm then, to attend to any business) and with the Bishops of Scotland: but knowing through public channels of communication, that the Irish Prelates were holding meetings on the subject of the Bill, I did not venture to obtrude myself on them, as they had not given an opening for any correspondence on this business with me.

After all that I have taken the liberty to state to your Grace, I was much surprised to receive from Dr. Milner in a letter dated Sept. 9th the following copy of a passage, extracted from a letter of Mr. Charles Butler of Lincoln's Inn to the Rev. B. Rayment of York, dated 2nd Aug. 1821. In this letter Mr. B. says:—"He (Dr. Milner)

published and circulated a hand-bill, charging me (Ch. Butler) with forming the Oath of Supremacy in the late Bill. Mr. Blount of Bellamore would inform him, that it was formed by himself, another Gentleman, and Mr. Plunkett, and taken by him to Dr. Poynter and approved of by him, without my seeing it."

I immediately wrote to Mr. Charles Butler to enquire whether he wrote the passage, as extracted from his letter, and to say that I felt it my duty to contradict the part of it which related to me. He answered that as I contradicted it, he was sorry he wrote it; but that he thought it was mentioned to him in a manner, which justified his mentioning it to Mr. Rayment in the manner he did. I wrote to Bp. Milner to express my surprise at what his Lordship had communicated to me and I contradicted most unequivocally that part of the above cited passage which relates to myself, assuring him that Mr. Blount never brought the Oath or Bill to me: that as soon as I saw the Oath of Supremacy in the late Bill, I communicated my objections against it to Mr. Plunkett and declared expressly that I could not approve of it. I hope that Dr. Milner has done me the justice to communicate my contradiction of the part which regards me to all those, to whom he may have communicated the above cited passage in Mr. Butler's letter.

I have troubled your Grace with all these particulars to shew, that the report which has reached your Grace of our apathy on the occasion of the late Bill, was, like many other reports that have at various times been conveyed to Ireland concerning three of the English Bishops, Vicars Apostolic, without any foundation at all in truth.

I do most certainly feel with your Grace, that it is the duty of Bishops to take the lead in all Doctrinal and Religious matters and not to suffer themselves to be led or over-ruled in these affairs by the dictation or imperious language of the Laity, whether coming from Individuals of whatever class, or rank, or from Committees or more general Meetings. When Oaths or Declarations on these subjects are drawn up by our Lay-Catholics they are generally very inaccurate, and it is often very difficult to prevail on them to correct what they have once prepared and settled amongst themselves. Hence the anxiety and perplexity, to which we have often been driven, anxious on one side to save the *forma sacrorum verborum*, and on the other to keep those who are so eagerly interested in the success of a Bill for Emancipation, within the bounds of duty. To prevent this evil, I do think it becomes the Bishops to be previously prepared for the next Session; and in the uncertainty of what will be required and in what shape or form an Oath of undivided *Allegiance* may be required of his Majesty's Roman Catholic Subjects, it appears to me, that a clear and short Declaration of our Principles, religious and civil, might

be drawn up, and sanctioned by the common approbation of the Bishops. I should mean this as a Rule of what can or cannot be signed or sworn to by Catholics in Oaths or Declarations, which touch on doctrinal matters, and on the spiritual powers of the Church. I dislike long Oaths. *In multiloquio non deest peccatum.* I would wish rather to see a short simple Oath of Allegiance and no more swearing. If Government should require further satisfaction, why might not this be given by such a Declaration of our Principles as I have alluded to, which might be signed if required, by all Catholics, when they took the Oath of Allegiance? If a Bill for Catholic Emancipation, should be introduced as a Government measure, I should hope that what I here propose, might be more easily obtained. But if this cannot be obtained, if we must have longer Oaths, why could not the Oath in Mr. Plunkett's late Bill be so changed, as to be made more perfectly correct, and satisfactory; especially as by the introduction of that Oath, the horrid Oaths against Transubstantiation, &c., would be done away for ever, for Protestants as well as Catholics? But if this cannot be done, the form of Oaths prepared by Dr. Milner, perhaps with a few changes, will be, I think, the most innocent of long Oaths.

I beg to repeat to your Grace, that I have ever been and that I am at present perfectly disposed to proceed with unanimity and fraternal concord together with all my brethren, the Prelates of the United Kingdom, in the direction of our common cause; and that if Bp. Milner thinks that I exclude him from the number of those, with whom I am ready to co-operate in promoting the general interest of the Catholic Religion in the United Kingdom, he mistakes my disposition. I must only claim for myself the right of judging what is proper and conducive to that end, as well as his Lordship; and if it happen that I cannot approve of what he proposes, or *of the manner* in which he would carry it into execution, I must protest against the privilege, which his Lordship has long assumed and exercised, of judging and condemning me when I do not adopt his measures on the occasion—of exposing my conduct to the Public in the false light in which he views it, and of blaming and injuring my official character by his pamphlets and writings, industriously circulated in my own District. If Bp. Milner or any other Bishop sincerely thinks, that my conduct is injurious to the Faith or Discipline of the Church or is in any way uncanonical, let him lay *a true* statement of it before my Ecclesiastical Superior, and leave him to judge, and to condemn or acquit me; but let him not misrepresent my conduct; let him not ever appeal to the People against Bishops: such have been most of his pamphlets against his Colleagues. Let him not keep alive in the public mind the false imputations, which he has cast upon my

Colleagues and me, as he has done, by first unjustly fixing a stigma on the Vicars Apostolic, and on the English Catholics, who signed their 5th Resolution in 1810, and then by keeping the same constantly before the public eye in his sarcastic allusions to their act, repeated almost monthly in a scandalous Journal, which expired at the end of last year, and also in his own latest publication.

The great object of your Grace's letter to me, I perceive was to engage me to renew my friendship, and a *confidential* intercourse with the Ven. Dr. Milner. If by friendship your Grace means sincere Christian Charity, which moves me to embrace him with truly fraternal affection for the sake of Christ, to forgive him all offences from my heart, to wish him all happiness, temporal and eternal, to pray for him, to be willing to serve him,—I assure your Grace, that I have done all this long ago, and that I do it still. I thank God, it was not necessary for your Grace to invite me to entertain this friendship for him. But as to the *confidential* intercourse, your Grace will agree with me, that after all confidence in Bp. Milner has been destroyed by his own public conduct, some fresh and real grounds for placing confidence in him should be given before I can renew it. Your Grace informs me, that Bp. Milner told you, that he had reason to think I had lost all confidence in him. Indeed he has reason to think so, and he must feel most sensibly, if he reflect coolly on his past conduct, that he has forfeited the *confidence* of his best Friends, though he is still the object of their charitable affections.

Your Grace thinks, that his edifying expressions at Maynooth in presence of the Ven. Prelates of Ireland, afford a sufficient motive to excite me to renew my confidence in him. But I beg to assure your Grace, that we are quite accustomed to such scenes as those. He is, I doubt not, sincere at the moment. But he returns in too short a time, to his former unaccountable spirit, to allow us to depend at all on such acts or declarations. I have seen him, when Bishop, on his knees before Bp. Douglass, asking pardon for his past behaviour towards him; but he soon repeated the same offensive conduct. When I was with him about the year 1812 at Durham he cast himself on his knees before Bp. Gibson, asking pardon, and the next day he shewed the same spirit of opposition as before. It is now eleven years, since he began to act a public part against his Colleagues in England, and to attack them in his pamphlets and other injurious publications. For this he has been severely reprimanded by the Congregation of the Propaganda, and forbidden to write any more against his Colleagues. Notwithstanding this he repeated the same misrepresentations, so injurious to their official characters, in his "Supplementary Memoirs," published by him last year. So apt is he to publish mis-statements, of what is said and

written to him, that people of the first distinction will not speak to him without a witness; and others will not write to him, even on business, but in the most laconic manner. His Colleagues have learnt by experience, that it is impossible to do business with him, and highly imprudent to communicate any thing *in confidence* to him. In matters of business, nothing is right but what he proposes or approves of; and if every thing is not done in the time and manner that he judges proper, his Colleagues are to be traduced before the public, in some new pamphlet written with a great display of zeal for Religion. His Colleagues were not allowed by him to judge of the rectitude and propriety of signing the 5th Resolution. He was determined that it should be regarded as a *fatal* measure and that the Public should be convinced by dint of repetition in his pamphlets and other writings, that it was the Principle of the Schismatical Clauses of the Bill of 1813. Bp. Douglass was not allowed by him to judge whether he could restore Faculties to a French Clergyman in the London District. I was not allowed to judge of the time and manner of calling for a public Test of Catholic Communion from certain French Clergymen in the London District; but because I did not do it, when he thought proper, and in the manner he thought I ought to act; because I did not do it, when I saw clearly that it was impossible to act with any good effect, I was stigmatised by Dr. Milner in his pamphlets, as a favourer of Blanchard and his adherents. His Colleagues will ever think it imprudent to communicate anything in *confidence* to him, whilst they remember how long and how recently he has joined, and even taken the lead in measures hostile to their authority and peace; and how unfaithfully he has *published* circumstances in print, which, in order to favour the liberty of making proposals in Episcopal Meetings, ought to be kept secret, and which Dr. Milner as well as all the others at the Meeting, had expressly pledged themselves on the occasion alluded to, to keep secret.

His facility of misrepresentation, and his instability are most unaccountable. He will sometimes acknowledge his error, and then repeat the same. I could mention a striking instance of this. Dr. Milner having in various publications represented Mr. C. Butler as an enemy to Religion, charged me with having employed that Gentleman to write the letters which I sent to Dr. Troy in my correspondence with his Grace on the subject of the 5th Resolution. This charge in the circumstances in which it was brought, was extremely injurious to my character. I found an occasion of demonstrating to Dr. Milner, in presence of my Grand-Vicar, Rev. Jos. Hodgson, that this charge was absolutely false. I convinced him that those letters were all written by myself, without the assistance of any Layman, and that Mr. C. Butler had never seen one of them. Dr. Milner acknowledged

himself to be perfectly convinced, that Mr. C. Butler was not the author of those letters. A short time after this Dr. Milner printed his "Explanation with Dr. Poynter"; in which he called Mr. Butler "the Anti-prelatic Author of the Blue Books," and re-asserted, that he (Mr. B.) was the author of my letters to Dr. Troy. When the falsehood of this charge was again demonstrated to him at Durham, in presence of Bp. Gibson, of Bp. Moylan, of Bp. Smith, of Mr. President Gillow of Ushaw, and of Rev. Mr. Bramston, Bp. Milner was asked by Bp. Smith, how he could publish this a second time after he had formerly been convinced of and had acknowledged his error. Bp. Milner answered in these words: "My former conviction returned".

To what purpose, to convince such a man of his error, even concerning known matters of fact? What *confidence* can be placed in him? There is a something most unaccountable in his character in this regard, which excites our religious, our charitable and compassionate concern for him, as a Bishop, and as a Brother, but cannot excite our *confidence*. It is one thing, my Lord, to hear some ardent and transient expressions from him at certain times, as your Grace did lately at Maynooth, and quite another to have habitual and constant experience of his dispositions, and conduct in regard to what I have mentioned, as all his Colleagues have had in England up to this present year. We see in his expressions to the Irish Prelates, nothing more than what we have witnessed without any effect on former occasions.

As to his character for mis-statement, I will appeal to those Ven. Prelates of Ireland, who have been particularly connected with Dr. Milner from the year 1810. I will ask them, not for the sake of renewing past dissensions, whether they were not led into error by Bp. Milner concerning the conduct of the English Vicars Apostolic in the affair of the 5th Resolution, and concerning the conduct of Bp. Douglass in restoring Faculties to a French Clergyman in the London District? I will ask them, who gave that unfair and erroneous translation of our 5th Resolution in the Latin letter, signed by many Irish Prelates and published by Dr. Milner in his *Supplementary Memoirs* last year? Who taught them to compare the Meeting of the English Vicars Apostolic together with the English Catholic Noblemen and Gentlemen when they signed the 5th Resolution, to the Schismatical Congress at Ems? I ask the Ven. Archbp. Troy in particular, whether he was not led into error by a false translation, which Dr. Milner gave him of a certain passage of Blanchard, and whether his Grace's proceedings against Bp. Douglass in the affair of Trevaux were not grounded on that error? Before the Irish Prelates permitted themselves to be led by Dr. Milner, the most perfect harmony and

confidence subsisted between them and the English Bishops. It was from the mis-statements of Dr. M., that all that misunderstanding arose between the Irish and English Prelates, which for the sake of peace I laboured to remove by my secret correspondence with Dr. Troy. My letters which I had no intention of publishing, were unfortunately sent to Dr. Milner, and were partially introduced by him in garbled and distorted citations into a work entitled "An Explanation with Dr. Poynter," which for misrepresentation, unfair citations and false reasoning, is scarcely to be equalled. He concludes this work, which was highly injurious to the other Vicars Apostolic, as well as to myself, with these words: "With you (Bp. Poynter) are the Charles Butlers, the O'Conors, and the Blanchardists; with me (Bp. Milner) the Bishops of the Catholic Church"! And this has never been retracted! And such false accounts of the official conduct of the English Vicars Apostolic are to go down to Posterity as a part of Ecclesiastical History!

What I chiefly lament is, the public part which the Irish Prelates were induced to take with Bp. M. in opposition to the English Vicars Apostolic and the sad effects which this produced amongst us. They were no doubt moved by their zeal to preserve Faith, Discipline and Peace in England, where indeed Faith and Discipline were guarded and Peace was confirmed; but they certainly would never have interfered, without any Jurisdiction over us, in our English Ecclesiastical concerns, had they not been persuaded, that the English Vicars Apostolic, except Dr. Milner, were either ignorant, or negligent of their duty. And who excited this persuasion in their minds? They appointed Bp. Milner their Agent amongst us. To him they sent their *Synodical* Resolution, as Dr. Milner termed it, called the 17th, passed Febr. 26, 1810, by which they condemned the Act of the English Vicars Apostolic and of the English Catholics, in order that this Synodical Resolution of the Irish Prelates might be promulgated by their Agent according to his discretion in our Districts. By whom were the Irish Prelates induced thus to invade the Jurisdiction of the English Vicars Apostolic? The effect, which this measure was of a nature to produce, was to prejudice the thousands of Irish Catholics in England, to whose salvation we devote our money and our labours, against the English Catholic Clergy, and to separate them from their Pastors. During the time, when the Irish Bishops were in such declared opposition to the English Vicars Apostolic, was not Dr. Milner the Agent (and I may perhaps more truly say the Principal) either by his personal service, or by his writings, in almost every act of aggression against us? He was sent to Rome by the Irish Prelates, who contributed towards the expenses of his Mission. What their Agent laboured there to do to the prejudice

of his Colleagues, I well know. And I know that he employed there his usual art of misrepresentation, which I defeated by a simple Statement of Facts, supported by evidence of undeniable documents, authenticated in one instance by the handwriting of Dr. Milner himself. The result was, that he was severely reprimanded by the Propaganda. I do not mean to insinuate, that, though Agent of the Irish Bishops, he was at all directed by those Ven. Prelates to employ such means to prejudice his own Colleagues; I believe, that in most of the measures in which he was engaged, he directed them, instead of being directed by them. I will ask his Grace, Dr. Murray, whether the conduct of Dr. Milner at Rome, was that of an Agent or of a Principal? I will ask his Grace whether he has *confidence* in Dr. Milner? I lament to see into what erroneous notions and prejudices against the English Vicars Apostolic the Irish Prelates were led by their too implicit Confidence in their Agent.

I have no hesitation in saying, that all this unhappy prejudice against my Colleagues and against myself in particular *originated* in the various misrepresentations sent to Ireland in Dr. Milner's letters and pamphlets. During all this time the English Vicars Apostolic published nothing. One short Paper was published by me in 1810 to correct some mis-statements of a publication of Dr. Milner.

I do not know whether this prejudice has yet entirely subsided. Early in this year a letter was sent to Rome by an Irish Metropolitan, in which his Grace proposed to the Propaganda a hypothetical case on the English Petition, to whom Card. Fontana returned a hypothetical answer, dated March 24th, and addressed to Archbishop Troy. The answer, which I have copied from the handwriting of an Irish Prelate is in the following terms.—"Non senza sorpresa e cordoglio si è intesa la Dichiarazione fattasi da molti Nobili e altri Catholici Inglesi nella Supplica avanzata al Rè, in cui si sono protestati, *di non riconoscere, fuori di Lui, alcuna potestá, o autoritá tanto civile, che spirituale ed ecclesiastica.*—Se mai nella forma del Giuramento si proponesse, ed in serisse uno tal Dichiarazione V. S. ben vede, che un simile Giuramento sarebbe manifestamente illecito e scismatico. Ma non si ha luogo a parlarne, finche il medesimo non venga proposto, e confiden salmente soltanto ho voluto prevenirla."

If from the answer we may judge of the Statement which was sent and on which the hypothetical question was grounded, it must have been stated in Dr. Troy's letter to the Propaganda, that in their Petition to the King, the Catholic Nobility and Gentry protested, "*That they acknowledge no Power, except his, either Civil, or Spiritual and Ecclesiastical.*"

The words of the Petition of the British Catholics to his Majesty on the 7th June 1820, which is the Petition in question, are these:

"Your Petitioners have lately joined with heart and voice in proclaiming your Majesty their Liege Lord and Sovereign. To your Majesty they swear full and undivided Allegiance, in your Majesty alone they recognise the power of the Civil Sword within this Realm of England. They acknowledge in no other Foreign Prince, Prelate, State or Potentate any power or authority to use the same, within the said Realm, in any matter or cause whatever, whether Civil, Spiritual or Ecclesiastical."

In the name of Truth and Peace how could these words "*They acknowledge in no foreign Prelate* &c. *any power to use the Civil Sword within this Realm, in any matter or cause whether Civil, Spiritual, or Ecclesiastical*, be rendered by these words—*They acknowledge no power, except his*, (id est, that of the King) *either Civil, or Spiritual and Ecclesiastical?* How is this to be accounted for? Who suggested this mis-statement of the declaration of the British Catholic Noblemen and Gentlemen? Is there to be no end of employing this artifice of misrepresentation against us, or of turning it to the injury of our characters? Dr. Milner is now taking advantage of the answer addressed to Dr. Troy: In a letter dated 14 Oct. 1821 and written to a Catholic Gentleman, Dr. Milner says that, "Rome had written to express its Surprise, that Catholic Peers and others should have offered the Civil Sword Oath."

This letter was written by Dr. Milner since all those late affecting declarations, which he made in the presence of the Irish Prelates, and which moved your Grace to entreat me to renew my Confidence in him. Dr. Milner knows, that all the Vicars Apostolic of England and Scotland, except himself, signed the Petition to his Majesty, which he speaks of. They are included by him amongst the *others*, though yet not expressly marked by him. But as soon as Dr. Milner has fixed a public stigma on what he calls "The Civil Sword Oath," as he did formerly on the 5th Resolution, he has only to remind the Public every month, that all the other Vicars Apostolic signed it, and he will constantly hold his Colleagues out to public censure. But he could not have had it in his power to do us an injury in this case, any more than in the case of the 5th Resolution, if *misrepresentation* had not been made subservient to this effect. Surely Dr. Troy had never seen our Petition to the King, when he wrote that letter to the Propaganda, to which the answer of 24 March was returned. Is it not a disgrace to the Episcopal character to see the numerous instances, in which Dr. Milner has had recourse to *Misrepresentation*, as a weapon to be employed against his Colleagues? After all the experience which the Prelates of Ireland have had of Dr. Milner, I should wish them to say, whether they themselves really have Confidence in him. If they have not, will they entreat me to renew a

confidential intercourse with him? Does your Grace really think that those late transient expressions of Dr. Milner at Maynooth are to be depended on, as a ground of *Confidence?*

It appears rather extraordinary that Dr. Milner should apply to the Irish Bishops, who had supported him as their Agent in opposition to his Colleagues the English Vicars Apostolic, to solicit of us now a renewal of our Confidence in him. Dr. Milner in choosing your Grace for the purpose of engaging us to renew our Confidence in him, must feel that he made a good choice; as well because your Grace could not have known to what degree Dr. Milner had forfeited our Confidence, and how weak are the grounds he yet has to renewal of it; as because the high official and personal character of your Grace has a singular claim to our deference, esteem and respect. For my part, I feel that your Grace's interference reduces me to a perplexing Dilemma: for, if without grounds, I give my *Confidence* to Dr. Milner, I am completely committed. If I do not, I am exposed to the danger of being held out as an enemy to Charity and Peace.

I must apologize for troubling your Grace with so long a letter. But I must say I felt it impossible to answer so serious a call from a person of your Grace's Rank and Character, without such a statement of Facts, as I have taken the liberty to lay before your Grace. I have communicated your Grace's letter, and this my answer to Bishops Collingridge, Smith, Cameron and Paterson, and their Lordships have been good enough to express their approbation of this my answer to your Grace.

I pray that this letter may not be understood as conveying the expression of any sentiment of disrespect to any person or of any want of Charity to Dr. Milner. I beg to assure your Grace, and all the Ven. Prelates of Ireland of my respectful attachment; and of my readiness to co-operate with them in promoting the success of our common Cause. And I pray your Grace to be convinced, that I have the most sincere Charity for Dr. Milner, though I cannot yet see any grounds of *Confidence* in him.

I have the honour to be with great respect, and affectionate attachment,

My dear and most honoured Lord,
Your Grace's faithful humble servant,
✠ William Poynter.

(3) Bishop Collingridge to Bishop Poynter.

My Dear Lord,

So after a lapse of eleven years, during which our Colleague Dr. Milner has been incessantly labouring, by every means in

his power, to annoy our peace, and asperse our characters, by exhibiting us, not only to our Superiors, with whom however no impression has ever been made against us, but also to the British and Irish Public, where indeed he has met with some success, as unworthy temporizing Prelates, acting under Lay influence, favouring Schismatics and Schism, and with whom it became at one time a serious question, whether Catholic Communion could be held, we are called upon to return to terms of friendship and renew our confidential intercourse with him. If he believe his own yet unrecalled charges, can he be serious in soliciting a *confidential* intercourse with us? If he believes them not let him publicly tell the world he has calumniated us, or in some other way authentically restore our good name. Are we blindly to acquiesce in our own infamy by entering unconditionally on terms of friendship with him, without some reparation for *the past?* Are we to expose ourselves to fresh aggressions by *confidential intercourse* with him, without proper security for *the future?* In all the sentiments of charity, brotherly love, Christian forgiveness &c. expressed by your Lordship I most sincerely participate, and I leave it to Dr. Milner to say whether on a late occasion, when he called on me at Clifton, I did not shew him every mark of true cordiality, as far as time and circumstances could allow. I shall be happy to do more, whenever I am convinced it can be done with proper security. I have the honour to be,

My dear Lord,
Your Ld's,
Faithful humble Servant,
✠ P. Collingridge.

Bath, *Nov.* 16, 1821.

(4) Bishop Smith to Bishop Poynter.

My Dear Lord,

I have perused attentively your letter to Dr. Curtis, and approve its contents. I was indeed at first apprehensive lest the details contained in the latter part of it might be interpreted as unfavourable to that conciliation and unanimity which I am sure our own hearts, not less than the good of Religion loudly calls for; however under all the existing circumstances, I do not see how they could have been dispensed with.—I am,

My dear Lord,
Your obed^{t} h^{ble} Ser^{t}
✠ Tho^{s}. Smith.

Weldbank, Chorley,
the 1st *Dec.* 1821.

(5) Bishop Cameron to Bishop Poynter.

Edinburgh, *Dec.* 10, 1821.

My Dear Lord,

The high official and personal Character of Dr. Curtis gives him, as your Lordship justly observes, a claim to our deference, esteem and respect. I trust his Grace will discover in the whole painful detail of your answer to his letter an evident proof of your Lp's candour, as well as of the steady firmness of character, which you owe to your situation in life. He knows well, that unlimited Confidence cannot always be given to everyone, with whom we may be connected by the strongest ties of Religion and nature. May the correspondence between his Grace of Armagh and your Lordship restore that unanimity amongst us, which seems so necessary to promote our common interest. I have the honour to be,

My dear Lord,

Your Lordship's most obed[t] humble Servant

✠ Alex[r]. Cameron.

(6) Bishop Paterson to Bishop Poynter.

I have perused with attention the within Document, and I approve of every thing therein contained.

(Signed) Alex. Paterson.

London, 9[th] *Nov.* 1821.

(7) Bishop Milner to Bishop Poynter. December 24, 1822.

My Lord,

It was not till long after the date . . . . . the Primate of Ireland that I got sight of it by favour of another Prelate, and for a long time after that sight I remained undecided whether I should print a refutation of the numerous falsehoods and misrepresentations it contains as an Appendix to my yet unpublished EXPLANATION with you, or leave them to be exposed at that awful tribunal before which we must both soon appear. The latter course accorded best with my feelings and often did I resolve at the foot of the altar to follow it: but when I seriously weighed the consequences to religion of leaving our brethren throughout the kingdom in the errors you have palmed upon them, I thought it my duty to draw up this abridged refutation of them, and to circulate a few copies of it amongst them.

You begin your letter with contradicting your professed advocate Charles Butler's positive assertion in his letter of August 2 last year to a common friend, namely that you had approved of the oath in the late bill; but, my Lord, do you not make a verbal distinction be-

tween approving of it and writing an official letter declaring that it may be lawfully taken? Thus much is certain, that your warmest friends still assert that thus far at least you approved of it. At all events, if your opposition to it was so vigorous and persevering as you describe it to have been, it is quite unaccountable the parliamentary advocates of the bill should have poured down all their vengeance on the head of your helpless colleague, and that the Right Honourable father of the bill in particular should have exclaimed: "there is no one who opposes it, except that undeviating uncompromising bigot, Dr. Milner". You truly state that the Ven. Primate's grand object in writing his letter to you was to induce you to renew your friendship and confidential intercourse between us on the concerns of religion: this is all I know of his Grace's letter, either from his own or your account, except (what I am sure of from an acquaintance with his character above forty years' standing) that whatever it contained was solid sense, refined politeness and genuine charity. On the other hand, the great object of your letter is to show that no confidence is to be placed in me, and that nobody, not even my most intimate friends in the Irish Prelacy, do confide in me. To this I shall satisfy myself with answering that I sincerely wish that my opponents, friends and the Catholic body, English as well as Irish, did place as much confidence in him as I experience they place in me.

But I pass from your vague assertions to your pretended proofs of my infidelity in keeping my promises. You write thus: "Your Grace thinks that his (Dr. M.'s) edifying expressions at Maynooth in presence of the Ven. Prelates affords a sufficient motive to excite me to renew my confidence in him. But I beg to assure your Grace that we are quite accustomed to such scenes as these. I have seen him when a Bishop on his knees before Dr. Douglass asking pardon for his past behaviour towards him, but he soon repeated the same offence. When I was with him at Durham in the year 1812 he cast himself on his knees before Bishop Gibson, asking pardon, and the next day he showed the same spirit of opposition as before." I will here give a brief history of the transactions alluded to, after which if any of our brethren should decide that I violated my engagements, I will, if you think proper, ask your pardon in the newspapers.

A few months after the Vicars Apostolic had unanimously voted the test against Blanchardism which you stood forward to propose, purporting that no French priest who refused to acknowledge that Pius VII. is not the author or abettor of schism should be allowed to exercise faculties in any of the Districts, a lady called upon me at my lodgings, complaining that the noted Dr. de Hauchmaile, who was the tutor and the oracle and the defender of Blanchard in different schismatical papers, encouraged her daughter, whose confessions

he heard, in an improper connection, which she feared would prove the death of her, the Lady's, husband, then confined to a sick bed. I answered her that I had no jurisdiction in London, where all the parties resided, but that I would make the circumstance known to Bishop Douglass, especially as I was persuaded that de Hauchmaile had no faculties to hear Confessions. I did so, and Bishop Douglass took my information in good part, and seemed persuaded that none of his Vicars had given faculties to so notorious a schismatic. I had occasion to call on my colleague again on the same day, when I found him strangely changed in his looks and behaviour towards me. In fact, I found him in company with his Coadjutor and three or four of the latter's friends, when immediately the last named reproached me with interfering with a business that did not belong to me. I answered that I barely gave information, as every lay person was free to do, and that in this I thought I was rendering service. On this he exclaimed, as I remember well, *non tali auxilio, nec defensoribus istis tempus eget*, and poor Bishop Douglass himself cried out in a shrill sickly tone: "What business had you to interfere about the faculties of de Hauchmaile?" Finding that reasoning would have no good effect, I did what St. Francis of Sales and Bishop Challoner did in similar circumstances: I fell on my knees and said "I beg pardon if I have given [offence]." But did this act of humble charity oblige me to "approve of" the published doctrine and discipline of the London Superiors, who denied that Blanchardist doctrine was actually schismatical, maintaining that it is only a step to schism, who continued to employ Bishops as their Vicars and priests notoriously infected with it, in the care of souls for eight succeeding years?

The other history is as follows. Having reason to believe that my old friend Bishop Gibson continued as steadfast an enemy in his heart of the Fifth Resolution, when Bishop Moylan and myself met him and Dr. Poynter in 1812, as he was when he so violently opposed it in January 1810, and that the harsh things which he then said to me and my friend were the mere effects of vexation at finding himself deceived and hampered as he had been in London, I waited on him in private and asked his pardon if I had offended him, at the same time reminding him that I was barely acting the part in my official situation which he wished and expected me to act. The consequence was that he was mollified and reconciled to me for the moment, approving at the same time in strong terms of the motives by which I had been led. True it is that I joined with Bishop Moylan next day in what you call the spirit of opposition, namely in objecting to the vague and unmeaning terms of pacification which Bishop Gibson proposed at your suggestion, and in conjunction with my friend Bishop Moylan pressed that we should join in publicly declaring that we

would consent to no change in our discipline without the authority of the Holy See, and that we would adhere to our synodical decree respecting Blanchardism: which terms unfortunately for religion you rejected. Will anyone now besides yourself say that my conduct at the Durham meeting in 1812 furnishes ground for not confiding in me? You might have mentioned, if you had pleased, a third instance of my kneeling to a colleague, namely when to gratify your jealousy I resigned the trust I long held of the temporalities of the London District, which having done, I besought my ancient friend Bishop Douglass that we might thenceforward act in concert for the good of religion. But this point being gained, you never afterwards, to the best of my memory, allowed me to hold any conference with him. I might here add that if the venerable Bishop's word is to be believed, a certain other Prelate knelt to him, shedding tears and begging pardon for different circumstances respecting the Middle District, and this without altering his conduct respecting it.

I here pass over, as I did before, much vague abuse of me, as likewise of the *Supplementary Memoirs*, written in vindication of the genuine history and religion of Catholics against the horrible misrepresentation of them by your professed advocate Charles Butler, in order to meet special charges that you bring against me, which is that of revealing the secrets of Episcopal Meetings. True it is that when a priest of the London District[1] stood up at a meeting of noblemen, gentlemen, Bishops and priests, to declaim against the rules of the mission established by the authority of the Vicars Apostolic as being defended by no one but myself, I called upon his superior, the Coadjutor Bishop, to say whether he approved of regulations to which he himself had concurred, and which he had sent in his own handwriting to be printed. True also it is that when the same Prelate deferred month after month, and year after year, to publish the Synodical Test against Blanchardism as he had undertaken to do, I publicly reminded him that he had stood forward to propose the form of it; but was I not justified on each of these occasions in publishing circumstances which neither were nor ought to be secrets? Was I to bear the whole odium and abuse of those clergymen who were in the habit of frequenting our immoral Theatres, and of those French Prelates (such as the ex-Bishops of Blois and Uzes), with their numerous and noble adherents, while my courtly brother observed a political silence, and connived at the useful errors? I for my part think that no real gentleman, much less any zealous Christian, will answer in the affirmative.

[1] The Rev. James Archer. The occasion alluded to was the dinner at the Clarendon Hotel, after the passing of the Fifth Resolution, on February 1, 1810. See vol. i., p. 122.

You next complain heavily to the Primate, as you had done before, to the Cardinal, that I charged you with "employing Mr. Charles Butler to write the letters you sent to Dr. Troy on the subject of the Fifth Resolution". Now recollect yourself, and observe how many mis-statements you make relative to this business. 1. There never was any question concerning your MS. letters to Dr. Troy; the whole question was about your printed letter to me of Feb. 14, 1810. 2. I did not charge you with employing C. Butler to write the letter, I barely expressed my opinion that he had written it, and mentioned the charitable motive on which I formed that opinion, namely that I thought you incapable of writing a letter which so much degraded the Episcopal dignity and authority, and because I had seen that antiprelatic lawyer stealing downstairs from your apartment in the dark, and trying to avoid my notice, three or four nights before the publication of that letter. 3. You never demonstrated, as you affirm, that the lawyer had no hand in that letter; you barely affirmed it on a particular occasion . . . in such strong terms that I could not for the moment refuse to credit you, but when I reflected again on the above-mentioned circumstances, and on the usual refinement of your logic, I could not help returning to my former opinion so far as to believe that the counsellor was some sort of a party to the publication in question. After all, if it is so injurious to your character as you represent it to have C. Butler for your scribe, and counsellor, why do you permit him on various occasions, and particularly in the different editions of his anti-Catholic Memoirs, to stand forward as your professed advocate? In the above-mentioned letter of August 2, 1821, he threatens me with a fourth edition of your Apologetic Letter, together with the Sommaria or Appendix to it, and confidently vouches for your approbation of it.

I here pass over a frequent source of obloquy against my alleged "unaccountable character and dispositions," in order to sift your new and specific proofs of my "character for mis-statement". Now, dear brother, if you should fail in these alleged proofs, to whom will the character of mis-statement attach? I will refute your charges in the shortest form possible, by answering your several interrogations containing them, and this in the hearing of those venerable prelates who can and will contradict me if I advance anything false. I assert, then, that these Prelates took no one step either against the Fifth Resolution or against Blanchardism on my authority, or without clear and certain evidence of the truth and expediency of their measures. As they did not invite me, though then in Dublin, to their Synod of September 14, 1808, in which they resolved that it was inexpedient to make any change in their discipline, so they summoned their synod

at the beginning of 1810 without my knowledge, and after being deluded for a short time by false promises from this side of the water, actually held it February 24 and 26, on which they condemned that Resolution and thanked me for opposing it without my previous knowledge. In like manner, though I had in my pastoral letters and other publications condemned Blanchardism as actually schismatical since 1810, or rather since 1808, quoting his different propositions to this effect, they did not till they had obtained an actual sight of Blanchard's book pass their censure of July 3, 1809, confirming my judgment; nor did they, till they had made actual enquiries of the superiors of the London District concerning the restoration of the French Grand Vicar's Confessor, J. Trevaux, without any retractation of the schismatical propositions which he had signed, declare that "Schism was openly countenanced in that District, to the great injury of religion and Catholic unity". This Decree was never so much as made known to me by any of the Prelates, I only learnt it from a printed copy of it. Again, I solemnly deny that I was the person who furnished the Latin translation of the Fifth Resolution in the common Letter of the Prelates to Cardinal di Pietro, or that it ever entered into my head to compare the Tavern meeting in which that Resolution passed, with the Congress of Ems, however faithful the translation is as to its sense, and however just the parallel is between the two assemblies. If all this be true, as you will find it true by proper enquiries in Ireland, I appeal to yourself who is the misrepresenter? As to my alleged garbling of your letters to the venerable Metropolitan, it consisted in quoting the passages from them which did you the most credit for the purpose of forming the desired union with you for the defence of our Religion, namely those passages in which you promised faithfully to defend it against any changes. In fact, such was your usual language to good Catholics. In the meantime, you permitted Sir J. Hippisley to contradict those promises on your part in Parliament, and you let the schismatical bill, the fruit of the Fifth Resolution, go on between Charles Butler, Mr. Canning and their friends till within a few hours of the third reading, without so much as claiming Lord Stourton's promise, or without even pronouncing that single word which as I proved to you before noble Lords and others would have saved religion at that last extremity.

You feelingly lament the alleged interference of the Irish Prelates with your jurisdiction, namely in censuring the Fifth Resolution which was confessedly levelled at their preceding synodical decree and the spiritual independency of their Churches! You equally lament that the vast majority of your flock should have taken part with their native prelates rather than with you, just as if you had not

reason to foresee that this would be the consequence of opposing the avowed artifices and jockeying of a Tavern meeting, to the solemn deliberation of a Canonical Synod.

My opponent now proceeds from misrepresentation to downright falsehoods. He says that "Dr. M. was sent to Rome by the Irish Prelates, and that they contributed to the expenses of his mission". Both these assertions are absolutely false. I went to Rome on my own account to answer the calumnious letter which the artifices of a practised Scotch intriguer, Rev. P. Macpherson, and an Irish friar had extorted from the poor unsuspecting Quarantotti in April 1813, though when I had informed my friends in Ireland of my resolution, they begged of me to attend to their business as well as to my own. It is false that they contributed to my expenses, though some of them long after my return subscribed a certain sum of money in return for my services, because in fact I refused a first and second time to accept of it, as I had repeatedly refused money at Rome which Cardinal Litta offered me. When at last I found it had been paid to my banker, I gave them notice I would spend the whole of it in furnishing copper plates for my *End of Controversy*, as I actually did, without deriving one shilling for myself, either from the subscription or the publication.

My poor suspicious brother professes to know "the usual arts of misrepresentation which Dr. M. used at Rome against his colleagues". This again is a vague abuse and calumny: he cannot prove a single instance of such unworthy artifice or falsehood against me. True it is that when he followed me thither on the false advice of his Scotch agent, he found the heads of the Sacred College much inflamed against him, but this was not owing to me, for I found them at my arrival equally incensed against Quarantotti and the three other authors of the Rescript, all of whom were then in disgrace and penance. In spite of this, the author of the Blue Books wrote to a correspondent of his in a letter which I have seen, dated February 16, 1815, the following glaring falsehoods: "Dr. Poynter was most favourably received at Rome; the Pope has provided him with apartments, an equipage and servants, at his expense, and his appointed him one of his assistant Bishops, &c.". But to attend to my colleague's own account in the letter before me, he says: "These representations I defeated by a simple statement of facts, supported by undeniable documents," namely the Apologetic Letter. Do you then truly think that Cardinal Litta was really convinced that you acted right in signing an engagement involving the interests of religion all on a sudden at a Tavern meeting on a most important concern of Religion, and while you were under a promise to meet your

brethren in synod upon it the next day? Do you really imagine that his Eminence was persuaded that I had no objection to the Resolution on the score of religion, and therefore persuaded a noble Lord and my pious friends to subscribe it, as you repeatedly and most calumniously assert in the letter, and that the Lord himself chose to consult me on a case of conscience in a public company, amid bottles and glasses, rather than in his own private apartments, where I had a little before met him? Do you fancy that the Cardinal could not see the close connection there between the Resolution and the Oath and Bill which followed it? If you fancy this, you greatly deceive yourself; for though he showed me no more of your writing than what concerned some property that I claimed, yet he told me with great emphasis that you had taken a great deal of pains, but to no effect, to persuade him that there was no connection between the Fifth Resolution and the Bill which followed it. You add that in consequence of the Apologetic Letter I received a "severe reprimand" from Propaganda. This is a downright falsehood. So far from this, the eminent Prefect of it assured me in one of the last interviews I had with him, what he indeed said in one of the first, that I possessed his confidence in a very great degree. Nor could all the influence of the unhappy minister who afterwards destroyed himself, and whom I took care to confront in his house in London when I returned to it, induce his Holiness and him to realise the predictions and the wagers of my Catholic enemies as to my perpetual detention in the Christian Capital. True it is that after my return home, on my consulting the Cardinal about writing an extended vindication of myself, he forbade me to attack my brethren, and when I called upon him to fulfil the promise he made me at Viterbo of justifying me under his own hand, that in doing this as he actually did, he found fault with my style of writing, to which I replied that while he approved of my defence of religion and his Holiness, he did all that was expected from him; inasmuch as grave and experienced English writers had no occasion to pass the Alps in order to learn the language and manners of their own country. I say no more of the libel called "An Apologetic Letter," in which you are sensible that I have detected and refuted some scores of falsehoods and calumnies, namely in my *Additional Notes to the Supplementary Memoirs*, leaving an equal number to be refuted hereafter. I cannot, however, dismiss this subject without remarking the care you take both in this and in your former libels for obtaining the Rescript, to observe the rule which you say was agreed upon between you and the wily Scotch agent, to write them all in the name of all your brethren except myself, at the same time that it is evident that the latter neither did nor could authorise you to assert on their part the

greater part of the falsehoods they contain. I take this opportunity of asking each of them separately the few following questions relative to the letters sent to Rome in 1813, and which still stand in the *Ristretto* of the Propaganda. Did you, Drs. Collingridge, Smith or Cameron authorise any person to transmit to Rome the following gross falsehoods so destructive of my reputation, or will you sanction what a certain Prelate sent thither in your name as well as his own, *viz.*, "Two days before the debate came on, Dr. Milner sent me a note to ask me if I would join him in censuring the bill? I answered him that I did not know what the clauses in the bill were. In fact the Bill had then been recommitted for two days in order to receive Lord Castlereagh's additional restrictions. He afterwards showed himself much offended at my refusal to censure a Bill before I had seen it." Now I have that Prelate's answer to my note repeating the words of it. By these it appears that I called upon him to oppose the bill, not to censure it. Again he writes in the same letter on your part no less than his own: "On the day of the debate, Dr. M. circulated among the members a printed paper, in which he declared with great vehemence that no Catholic could directly or indirectly adhere to the bill without becoming *ipso facto* a schismatic". Now look at the printed paper in question, the Brief Memorial. You will find that it barely says that "it would be an Act of Schism to adhere to the Bill (in the circumstances described), or to act under it". Again, will you say, with the Bill in your hands, that the penalty of rejecting it was to have been the banishment of the whole Catholic population, so as to leave the kingdom without a single Catholic inhabitant? Will you confirm the engagement which the writer made in your name that if the Holy See, that is Quarantotti and his three conformist assessors, ordered it, you would go cheerfully to the gallows? Will any honest and well-informed Englishman whosoever affirm that at the time in question, 1813, "prayers were offered up by day and by night, in many Protestant churches for the Pope"?

The remaining part of the letter before me consists of some very bitter reproaches on the reporter and translator of the Civil Sword Oath, which if they fall upon any characters, must fall upon those of Card. Fontana, and a venerable metropolitan. But though I had nothing to do either with the hypothetical query or the answer yet my jaundiced brother falls foul of me on the occasion as one "who degrades the episcopal character," because I signified to a lay friend, what I otherwise happened to know, that the Oath is reprobated at Rome, and that I have got great credit there by rejecting it. Whatever else may be said of the Oath, certain it is that its patron in proposing it to Parliament, its Father in eulogising it, explained it in the

sense of Card. Fontana. Lord Nugent said that the Catholics who took it, "renounced all power in the Pope, civil, ecclesiastical and spiritual". And Mr. Plunkett affirmed that "the Catholics would visit with their spiritual censures any of their members who transgressed against the civil rights of the wife or issue": see Butler's *Mem.* iv., p. 312, 3rd edition. This implies that a Bishop instead of separating persons incestuously or sacrilegiously married, would oblige them to restore to each other the legal matrimonial rights, *viz.* to live together.

But, to conclude, instead of looking backwards, let us look forwards, and stifling our selfish passions, unite our efforts with those of our brethren in both islands, to save our common religion from the dangers to which it is still exposed. You are conscious that I have begged for this with earnestness and humility on different occasions, and particularly at the introduction of the last bill. I once more beg for it. With a view to this blessed event, I presume to make the following observations, and proposals. 1°. The bills and oaths both of 1813 and 1821 were objectionable, and if passed into laws would have divided the body into parties and schisms. 2°. As we of the clergy at least are all avowedly loyal and peaceable, and as no public man ventures to question the sincerity of our Oaths, we can frame an Oath which will secure civil allegiance and obviate the objections of statesmen and politicians, without any real or apparent infringement of our faith or change of our economy or discipline. 3°. It belongs to the Bishops both of England and of Ireland to prepare an Oath for this purpose, in doing which they will be supported by the vast majority of their people, and it is their bounden duty, modestly but firmly, to convince the friends of Emancipation, both Protestant and Catholic, that they (the Bishops) cannot surrender their right of preparing Catholic oaths and regulating their discipline on any account. In conclusion then, let Dr. Poynter call a synod of all his brethren (the Irish Prelates will not be wanting in their duty), and let him preside in it (I would waive my privilege as Senior Vicar Apostolic) previously to the formation of any new bill. 4°. In case we are unanimous, as I doubt not we shall be, if all lay influence is withdrawn, we shall secure religion, restore peace, and bury all past dissensions.

I am, with all respect and regard, your faithful and affectionate brother in Jesus Christ,

✠ J. Milner, V.A.

Postscript. After writing this letter . . . with Charles Butler's new work called *Reminiscences*. In this he . . . wrote to the Rev. B. Rayment, August 2, 1821, relative to Dr. Poynter's approval . . . expressly contradicts what that Prelate wrote to me and to the

Primate of Ireland several months ago . . . date. His words are these: "the Reminiscent (namely Charles Butler) avails himself of this opportunity to state that he understands it to be confidently asserted that Dr. Poynter, the Vicar Apostolic of the London District, not only did not approve, but did expressly disapprove the Oath finally inserted in Mr. Plunkett's bill. This assertion is most unfounded. The bill passed the Commons on 2nd of April, 1821, the following day, the 3rd of the same month, Dr. Poynter of his own accord addressed a letter to the noblemen and gentlemen of the Roman Catholic Board and signified to them most explicitly his approbation of the Oath, and his opinion that they might conscientiously take it." *Reminiscences*, 301. The Dedication of the book to Sir G. Staunton is dated February 28, 1822.

(8) THE SAME TO THE SAME.

WOLVERHAMPTON, *January* 13, 1823.

MY LORD,

When I wrote last to your Lordship for the particular purpose of proving that I am not so [fallen] in society as you were pleased to represent me, I had not received an answer to my enquiries from the Most Reverend Dr. Murray, to whom you specially referred me in your letter to the Primate. I have since received his Grace's answer as follows:—

"If I were conscious of having given any ground for a late allusion to my name which, it seems, has given pain to your Lordship, I grieve that my name has been so introduced, and I deem it almost unnecessary to say (which however I do say most distinctly) that I am not aware of having afforded even the slightest motive for such an allusion. Should anyone have the boldness to ask me seriously whether I have confidence in Dr. Milner? If my surprise should allow me to give a direct answer, I would unhesitatingly say yes, the greatest confidence." His Grace then proceeds to bear the most honourable testimony to my conduct at Rome, and concludes his letter with professing "respect, attachment and confidence" in my regard.

And now, my Lord, without saying anything about conscience, and the next world, what would honourable men say in this world, had they an opportunity of comparing your bold appeal to Dr. Murray in proof that I am not deserving of confidence, with his own declaration as quoted above?

I have the honour to remain,

Your Lordship's most obedient servant,

✠ J. MILNER.

(9) Bishop Baines to Bishop Milner, August 28, 1823.[1]

My Dear Lord,

. . . I presume your Lordship's mind is most distressed at a certain want of cordiality and confidence on the part of your Episcopal brethren. You can scarcely regret it more than I do; but I cannot think the evil so irremediable as you seem to apprehend. I think it is rather fear than dislike that keeps your brethren at a distance. I trust and believe that there is not one of them who would not rejoice to take your Lordship by the hand, could he feel as secure for the future as he would be willing to forget the past. Unfortunately your opinions have been as different as your characters, and perhaps each has maintained his own with more tenacity than was necessary, but with equally good intentions. Each thought that the cause of religion required him to maintain his own opinion. It has appeared to me that some of the chief subjects of dispute were rather political than religious, and might have been avoided if the Bishops had been as unwilling to interfere in matters purely political, as they were jealous of the interference of others in such as were justly spiritual. I do not feel myself competent to have an opinion on political subjects, but if I were ever so competent, I would not as Bishop ever have anything to do with politics except when religion was so immediately concerned that I was bound by my office to interfere; and even then, however clear it might seem to me that my opinion was right, I would never attempt to carry it by force, but when I had done all that I could without violating charity, leave the event to Providence, and keep my soul in peace. How often do we not feel convinced of the expediency of a measure to-day, which we are equally convinced is inexpedient to-morrow? I used to think your Lordship was to blame in giving support and countenance, and frequently supplying with the only article worth reading that very violent and abusive man Eusebius Andrews. He often set himself up as a judge on religious subjects, often condemned his own Bishop, sometimes the Pope, and once or twice when you did not please him, your Lordship also. He is a spiritual as well as a temporal radical, who is never so happy as when he is opposing and vilifying "the powers that be". He published occasionally injurious falsehoods against his own Bishop and others, which I conceive he was bound as a Christian to retract, but which he never did. On this account I never would countenance him, either by writing in his journal, or by taking it in. I thought that I should thereby make myself accessory to his sin. I think the same still; but of all men in the country, why should the leader of the episcopal body be found his ally? Why should the great

[1] *Clifton Archives.*

and dignified champion of the Catholic cause be found throwing stones with Eusebius Andrews? Why should the victorious leader of a nation's hosts be found acting as a second to a vulgar pugilist? In all this, my Lord (excuse my presumption), I think you were wrong, and it appears evident to me that the squibs which were thrown in the Orthodox Journal gave more annoyance to your brethren than all the most serious attacks in legitimate warfare could have given. I feel ashamed of having presumed to write in this free manner to your Lordship: it seems to me like a cur barking at a lion; but I am sure you are too generous to take offence, even at my petulance. It may serve to convince you of one thing of which I trust you will always be quite convinced, that if I do not fear to differ in opinion with your Lordship, I shall never suffer myself to be led in opinion by others. Whatever attempts may have been made to convince the Irish Bishops that "Dr. M. is undeserving of confidence," I feel satisfied that they will never succeed. Your character must ever stand too high with the Prelates of Ireland, who being further removed from the scene of action, are better able to judge of the merits of the different combatants. I believe most of them think of your Lordship as I do, that you have merit which very few can ever equal, but that by a fate common to all mankind, you have been sometimes wrong. Some of them think you have occasionally been carried too far by the ardour of your natural character, and the fervour of your religious zeal; but these are all defects which an Irishman should and does overlook. How happy should I be could I afford the slightest assistance either in bringing about a good understanding among those who ought to be friends and who are not enemies, or in soothing the pain of your Lordship's mind. Trusting you will not be offended at the freedom of this letter, which is inspired solely by the confidence which I place in and the regard I feel for your Lordship, I have the honour to subscribe myself,

Your Lordship's most obedient faithful servant,

✠ P. A. Baines.

4 Belvedere, Weymouth, *August* 28, 1823.

P.S.—There is a report that your Lordship is about to wage war with Dr. Lingard on his History. I hope you will not; but if you do write anything, let it be mild, friendly and conciliating. If there are mistakes, point them out as a literary assistant; impute no blameable motives, and pay in the amplest terms the tribute due to all that merits praise. He is waging a successful warfare; if he makes any wrong movements, cover and correct them; but do not join in the ranks of his enemies, nor divide his friendly forces.

(10) Bishop Milner to Bishop Baines.

Caverswall Castle, *October* 11, 1823.

Hond. Lord,

. . . From the tenor of your Lordship's former letter to me, soon after the Old Hall Synod, and from other information, I am led to suppose that Dr. Poynter's chief alleged motive for excluding the senior V.A. from that meeting was that the latter half a dozen years ago occasionally wrote in the *Orthodox Journal;* but I have proof that the Doctor himself has sent papers to public prints of a still more objectionable character than the one here mentioned, as his advocates and Grand Vicars have done to the *Orthodox Journal* itself. Secondly, if I have sometimes made use of a Catholic print, it was to convey doctrine and sentiments perfectly sound and necessary in religion and politics, for as to those of an opposite tendency, I know that I among the Vicars Apostolic have been Mr. Andrews's most earnest and open opponent. In fact, if Dr. Poynter is incensed at my writings in the Journal, it is for exposing the fatal Fifth Resolution, into which he let himself be jockeyed; for opposing the schismatical bill following it which he connived at; for dragging to light and condemning the French schismatics, whom he patronised and employed in the ministry for ten years together; for declaring against the Bible Society and Stereotype Testament, of which he showed himself the patron and promoter; lastly, for incidentally mentioning that he drew up the Observanda which prevent priests from frequenting the playhouses, and dictated the episcopal test against Blanchardism so early as the year 1810, as likewise some of the many scandalous calumnies against myself, which he has transmitted to the Holy See. Your Lordship signifies that "it was rather fear than hatred which prevented my being summoned to the Old Hall Synod". I can readily believe that Dr. Poynter is really afraid to meet me, either in person or with the pen (except through his scribe Charles Butler), and yet he must meet me on all the above-mentioned matters one or other of these days: in the meantime I know that his reputation suffers essentially in the opinion of his professed friends, as well as of the Catholic public.

I have the honour to remain,
Dr. and Hond. Lord,
Your faithful servant in Christ,
✠ J. Milner.

P.S.—I judge from your Lordship's former letter that Dr. Poynter communicated to you his interminable letter to Archbishop Curtis, containing his arguments why "no confidence is to be placed in Dr.

Milner," as he had before communicated it to the other English and Scottish Bishops; but I will engage for it that he did not show you my answer to that letter, which I equally communicated to those Prelates. You judge right in supposing that the letter did not produce the effect which Dr. Poynter wished for on the Irish Bishops. So far from this, it produced the very opposite effect. Your Lordship adds that I am reported to be writing against my old pupil and client Dr. Lingard. I must once for all admonish you that you will never hear the name of Dr. Milner mentioned among a certain set of Catholic clergymen without an egregious falsehood annexed to it. . . . The reign of "il Papa Rosso" [Cardinal Consalvi] is at an end. God knows what will be the consequences of it.

APPENDIX M.

THE DOUAY CLAIMS.

List of Claims.

The following is the copy of the official list of claims delivered to the French Government, in December, 1814. It includes the claims of all kinds—real and personal property, and *rentes*. In the case of the buildings, the value has been estimated and added in pencil in some cases, but not in all. In such cases it is placed here within brackets.

The original is among the *Westminster Archives*.

Les Reclamations.

1. De Monseigneur Guillaume Poynter, Evêque de Halia, Vicaire Apostolique du District de Londres en Angleterre en droit soi comme aussi en droit d'Exécuteur Testamentaire du feu Monseigneur Jean Douglas, Evêque de Centurien son Prédécesseur et Vicaire Apostolique du même district.

2. De Monseigneur Guillaume Gibson, Evêque d'Acanthos, Vicaire Apostolique du District du Nord d'Angleterre ci-devant Président du Collège des Anglais de Douai.

3. De L'Abbé Richard Southworth en droit d'Exécuteur Testamentaire du feu L'Honorable Monseigneur Jacques Talbot, Evêque prédécesseur du dit Evêque Jean Douglas.

4. De L'Abbé Jean Daniel, président du dit grand Collège des Anglais à Douai.

5. Des Abbés François Tuite & Jean Yates et du Sieur Jacques Cleghorn, Administrateurs anciens du Collège Royal de St. Omer.

6. De L'Abbé Bew, S.T.D. Président du Seminaire Anglais de Sorbonne à Paris.

I. *Monseigneur L'Evêque de Halien* reclame.

7 Actions de l'ancienne Compagnie des Indes de 2500 livres sorties en Remboursement mais non payées	17,500	
Intérêts sur la dite somme a compter des 6 derniers Mois de 1793 jusqu'au et comprise l'Année 1814—21 Ans	18,375	
111 Actions de la même Compagnie chacune de 2500 livres	277,500	
Intérêts là dessus à 112. 10. chaque Action à compter de 6 derniers Mois de 1793 jusqu'au et comprise les 6 derniers Mois de 1814	262,237	10
26 Billets d'Emprunt de la dite Compagnie, chacun de 500 livres	13,000	
Intérêts sur dits billets à 22. 10. chacun y comprise l'année 1793 jusqu'au et comprise l'année 1814	12,285	
Les intérêts entre les mains du Receveur Monsieur Grandjean de Montigny, Receveur des Rentes saisis par M^r^ Francfort, Receveur de biens Nationaux, 4 Prairial An 2 ou 1794	5,865	9
Intérêts là dessus depuis le 4 prairial An 2 ou 1794, date de la saisie jusqu'à et comprise l'année 1814 @ 5 pour Cent pour 20 Ans	5,865	9
TOTAL, qui sera due à Monseigneur L'Evêque de Halien à la fin de l'année 1814 . .	612,628	8

II. *Monseigneur L'Evêque d'Acanthos* reclame.

14 Actions de l'ancienne Compagnie des Indes chacun de 2500 livres	35,000	
Intérêts a compter et y compris les 6 derniers Mois de 1793 jusqu'au et y compris les 6 derniers Mois de 1814, à 112. 10. 0.	33,075	
$3^{16}/_{25}$ d'Actions de la même Compagnie chacun de 1600 livres	4,800	

Intérêts à 72℔ chacun a compter et compris les 6 derniers Mois de 1793, jusqu'au et y compris les 6 derniers Mois de 1814 . .	4,536	
1 Billet d'Emprunt de la même Compagnie .	500	
Intérêt pour l'année 1793 jusqu'au et comprise l'année 1814 @ 22. 10.	495	
Les intérêts saisis d'entre les mains du dit Receveur	978	16
Intérêts depuis 4 prairial An 2, date de la saisie	978	16
TOTAL, qui sera due à Monseigneur L'Evêque de Caesarée à la fin de l'année 1814 .	80,363	12 0

III. *Monsieur L'Abbé Southworth*, Exécuteur Testamentaire du feu Monseigneur L'Evêque Talbot reclame.

Les Capitaux de 700℔, $^{14}/_{15}$ de 750 de rente perpetuelle en valeur	15,000	
Arrerages échues à compter et y compris les 6 derniers Mois de 1793 jusqu'au et compris les 6 derniers Mois de 1814 @ 700	15,050	
Les Capitaux de 28, $^{14}/_{15}$ de 30 de rente perpetuelle	560	
Arrerages échues de même	602	
Somme saisie d'entre les mains du dit Receveur M Grandjean de Montigny, le 4 Prairial, An 2	2,487	10
Intérêt là dessus à 5 pour Cent pour 20 Ans .	2,487	10
TOTAL qui sera due à Mr L'Abbé Southworth à la fin de l'année 1814	36,187	0 0

IV. *Monsieur L'Abbé Daniel*, Président du grand Collège des Anglais à Douay reclame.

Le dit Collège, son Eglise et autres Batimens qui ont coutés aux Anglais au moins la somme de 600,000℔		
Pour rétablir les dégradations et le mettre à son ancienne usage (60,000 livres)		

Rente du dit Collège pour 20 Ans à dater du Mois d'Octobre 1793 quand le Gouvernement français en prit possession pour un Hôpital Militaire @ 2,500# par An . .	52,500	
La valeur des Matelats de lits, saisis pour les blessés, viz. 160 lits et Matelats et 200 Couvertures de lits @ 20# 10,400 Vente de Mobilier suivant l'extrait 24,299 . .	34,699	
Les intérêts sur la dite somme du meme date jusqu'à et comprise l'année 1814, 21 Ans .	36,433	19
Une belle Bibliothèque, l'Apparatus philosophique contenant un Orrery, les Secrétaires de l'Etude bancs &c. envoyés à la Lycée ne pourrant être remplacés pour (100,000)		
4 Calices, 1 Ciborium, ornemens et vêtemens de l'Eglise		
Les Terres, Maison &c. à Coutiches, à Bersée et à Esquerchin, appartenantes au Collège et vendues par le gouvernement, la somme viz[t] Coutiches 30,100 „ 48,500 „ 1,954 Esquerchin 27,500 . . .	107,054[1]	0 0
Intérêts sur la dite somme du temps de la saisie, 21 Ans	113,366	0 0

Rentes appartenantes au dit College.

Rentes sur l'Ancien Clergé, 595. 14. 2. par An	11,914	3 4
Arrerages pour 22 Ans y compris le tout de l'année 1814	13,105	11 8
Rentes sur les Aydes et Gabelles 12,757. 14. 4. par An	255,154	6 8
Arrerages sur 12,571. 1. partie de ses rentes depuis l'année 1792 jusqu'au et comprise l'année 1814 . . . 276,563. 2. Arrerages sur 186. 13. 4. autre partie depuis l'année 1791, jusqu'au et comprise l'année 1814 . . . . 4,293. 6. 8.	280,856	8 8

[1] This is an error in casting up. The amount should be 108,054 o. o.

Rentes à 4 pour Cent.

Les Capitaux de 3189. 10. 9. par An . .		63,790 15
Les Arrerages échues sur 2919. 10. 9. partie des dites rentes depuis l'année 1792 jusqu'au et comprise l'année 1814 .	64,229. 16. 6.	
Les mêmes sur 270 autre partie des mêmes rentes depuis 1791 jusqu'au et comprise l'année 1814 . . .	6,210.	70,439 16 6

Rentes de la 4eme Lotterie Royale.

Les Capitaux de 2,036. 3. 3. par An . .	40,723 5 0
Les Arrerages échues depuis l'Année 1792, jusqu'au et comprise l'année 1814 . .	44,795 11 6

Rentes d'Actions des Fermes.

Les Capitaux de 216 par An	4,320 0 0
Les Arrerages échues depuis l'Année 1792 jusqu'au et comprise l'Année 1814 . .	4,752 0 0

Rentes de l'Emprunt de 50 Millions.

Les Capitaux de 350 par An	7,000 0 0
Les Arrerages échues depuis l'Année 1792 jusqu'au et comprise l'Année 1814 . .	7,700 0 0

Rentes sur les Tailles.

Les Capitaux de 23. 18. par An . . .	478
Les Arrerages échues depuis l'année 1792 jusqu'au et comprise l'année 1814 . .	525 16
Le Remboursement due du Numéro 40,874 sur les mêmes Tailles de 17. 5. 4. par An .	345 6 8
Les intérêts de 22 Ans	379 17 4

Rentes sur la Compagnie des Indes, 12 Millions.

Les Capitaux de 1,260 par An . . .	25,200
Les Arrerages échues depuis l'année 1792 jusqu'au et comprise l'année 1814 . .	27,720

Rentes sur la Compagnie des Indes, 18 Millions.

Les Capitaux de 1,260 par An . . .	25,200
Les Arrerages échues depuis l'année 1792 jusqu'au et comprise l'année 1814 . .	27,720

Rentes sur la Domaine de la Ville Emprunts de 8,600,000 & 8,700,000.

Les Capitaux de 2,720 par An . . .	54,400
Les Arrerages échues depuis le dernier de Juin 1791 jusqu'au et comprise l'an 1814 . .	61,200

Rente Perpetuelle sur la Ville de Lyon.

Les Capitaux de 750 par An	15,000
Les Arrerages échues depuis les derniers Mois 1791 jusqu'au et comprise l'an 1814 . .	17,062 10

Rentes sur la Clerge de France.

Les Capitaux de 1,560 par An . . .	31,200
Les Arrerages échues depuis 1792 jusqu'au et comprise 1814.	34,320

Rentes sur les Etats de Bretagne.

Les Capitaux sur 2,060. 8. par An . . .	41,208
Arrerages échues depuis 1791 jusqu'au et comprise l'année 1814	47,388

Rentes sur les Etats de Bourgogne.

Les Capitaux sur 2,000 par An . . .	40,000
Arrerages échues depuis 1791 jusqu'au et comprise l'année 1814	46,000

Rentes sur les Etats de Languedoc.

Les Capitaux sur 1,550 par An . . .	31,000
Arrerages échues depuis 1792 jusqu'au et comprise l'année 1814	34,100
TOTAL qui sera due a M L'Abbé Daniel à la fin de l'année 1814	1,709,052 7 4

V. *Aux Abbés François Tuite et Jean Yates et au Sieur Cleghorn, Anciens Administrateurs du Collège Royale de St. Omers.*

Le dit Collège, Cour et Jardin occupé longtems comme un Hôpital Militaire et non encore vendu	

La Rente à payer pour l'occupation du dit Collège à compter de la saisie par le gouvernement français 3eme d'Aout 1793 jusqu'au et comprise l'année 1814. 21 Ans @ 2500 par An	52,500	
Les Meubles vendus		
Somme évaluée pour remettre le dit Collège à son ancien usage suivant le procés verbal de François Mayo, Expert Maçon demeurant à S Omer le 28 Juillet 1797 par ordre du maire daté le 15 Messidor An 10 . .	44,180	
L'Eglise tenante au Collège selon une évaluation faite par même ordre	18,000	
Ses Ornemens, Utensiles, &c.		
Une maison tenante au même, selon idem .	6,200	
Une Maison de Campagne située à Blandecque selon idem	21,650	
Les Intérêts pour 21 Ans à dater de la saisie en 1793 jusqu'au et comprise l'année 1814 sur les dites sommes de 6,200 et 21,650 .	29,242	10
328 Rasières de Bled payées annuellement par l'Eveché de St. Omer par ordonnances du Roi en date 22 Janvier 1778 à compter de la saisie le 3eme d'Aout 1793 en évaluant chaque rasière @ 20#	137,760	
La Valeur de la dite Rente a l'estimer à 25 Ans	164,000	
Une pension Annuelle de 6,000 livres concédée par Philippe 2d en 1594, confirmée par Louis 15eme en 1764, par Louis 16eme et l'Assemblée Nationale en 1790, évaluée .	120,000	
Arrerages échues depuis l'année 1790, 24 Ans .	144,000	

Rentes sur les Aydes et Gabelles.

Les Capitaux de 2,184 par An	43,680	
Arrerages échues depuis le dernier Decembre 1792 jusqu'a et y comprise l'an 1814 .	48,048	

Rentes d'Effets au Porteur Alsace.

Les Capitaux de 900 par An	18,000	
Arrerages échues depuis de dernier Decre 1792 jusqu'a et comprise l'année 1814 . .	19,800	

Rentes sur la 4eme Lotterie Royale.

Les Capitaux de 720 par An	14,400
Arrerages échues depuis le dernier Dece 1792 jusqu'au et comprise l'année 1814 . .	15,840

Rentes sur les Etats d'Artois.

Les Capitaux de 1,250. 13. 10. par An . .	25,013 16 8
Arrerages échues depuis le dernier Dece 1792 jusqu'au et comprise l'année 1814 . .	27,515 4 4

Rentes sur la Ville de St. Omers. Art. 156, 159.

Les Capitaux de 667. 10. par An . . .	13,350
Arrerages depuis 1793 jusqu'au et comprise l'année 1814	14,017 10
De plus la somme saisie par M Francfort, Receveur des Biens Nationaux d'entre les mains de Mr Montigny 4 prairial, An 2	1,747
Les Intérêts sur cette somme pour 20 Ans .	1,921 14
TOTAL, qui sera due aux Abbés François Tuite et Jean Yates et au Sieur Cleghorn à la fin de l'année 1814	980,865 15 0

Monsieur L'Abbé Bew, S.T.D., de Sorbonne à Paris, Président du Seminaire Anglais.

Le dit Seminaire, Cour, Jardin et Batimens, Eglise, &c.	
Rue des Postes à Paris	
La Belle Bibliothèque, grand Horloge et l'ameublemens du dit Seminaire enlevé et porté au Collège des Irlandais à Paris . . .	
Une Maison, Rue du Four, Fauxbourg St Germain, No. 45, louée @ 4000℔ par An .	
Les rentes échues depuis 1793, 21 Ans . .	

Rentes sur les Aydes et Gabelles.

31 Les Capitaux de 11,818. 8. 6. par An .	236,368 10 0
Les Arrerages échues depuis Dec. 1791 jusqu'au et comprise 1814	271,823 15 6

Rentes d'Actions des Fermes.

4 Les Capitaux de 648 par An . . .	12,960	
Les Arrerages échues depuis Dec. 1791 jusqu'au et comprise l'an 1814	14,904	

Rentes sur les Tailles.

1 Les Capitaux de 407. 16. par An (not reduced)	8,156	
Les Arrerages échues depuis Dec^{e} 1791 jusqu'au et comprise 1814	9,379	8

Rentes de la 4eme Lotterie Royale.

1 Les Capitaux de 75. 12. par An . . .	1,512	
Les Arrerages échues depuis Dec. 1791 jusqu'au et comprise 1814	1,738	16
TOTAL qui sera due a M^{r} L'Abbé Bew S.T.D. à la fin de l'année 1814	556,842	9 6

APPENDIX N.

LINGARD AND THE CARDINALATE.[1]

It is proposed in the present note to give a short summary of the arguments for and against the contention that Lingard was created a Cardinal *in petto* on October 2, 1826. This was maintained by Rev. M. Tierney and denied by Cardinal Wiseman, in the publications enumerated. The controversy unfortunately assumed an acrimonious tone on both sides, especially on that of Tierney. It is not proposed, however, to comment on the tone of the pamphlets; we shall confine ourselves to a short statement of the arguments used. These may be divided into four headings:—

1. The conversation between Pope Leo XII. and Lingard in 1825.

2. The presentation on the part of the Pontiff of a gold medal said to be limited by Roman etiquette to Cardinals.

3. The text of part of the Pope's Allocution said to refer to Lingard.

4. The Roman tradition as to the allusion in the Allocution.

These four questions must not, however, be looked upon as essentially distinct; they have a mutual bearing on one another, so that, for example, one reason for thinking that the Pope in his Allocution was referring to Lingard was that he was known from what he had previously expressed to the historian to have a strong desire to create him a Cardinal.

The case in favour of Canon Tierney's contention is briefly as follows:—

[1] See Tierney's *Memoir of Rev. John Lingard*, p. 15; Wiseman's *Last Four Popes*, p. 331; Letter to the *Rambler*, June, 1858, by Rev. M. A. Tierney; *Letter to the Cathedral Chapter of Westminster*, by H. E. Cardinal Wiseman (1858; not published); *Reply to Cardinal Wiseman's Letter to his Chapter*, by Rev. M. A. Tierney. Since the following lines were written, the *Life of Lingard* by Martin Haile and Rev. Edwin Bonney, has been published, to which the reader may be referred for fuller particulars. It contains at least one new argument (p. 227) to show that the person referred to by the Pope could not have been De la Mennais, which is presumably an argument in favour of his having referred to Lingard.

When Lingard was in Rome in the summer of 1825, he had several audiences of the Pope. At one of these, at which Dr. Gradwell was present, the Pope tried to persuade him to take up his residence in Rome, asking whether there was not anything which could be done to induce him to comply with this desire. Such a request, under such circumstances, was naturally interpreted as an offer of the Cardinal's hat, and Wiseman admits that the deduction was legitimate. Lest there should be any mistake, the Pope presented Lingard with a gold medal, such as Tierney declares was by Roman etiquette generally limited to Cardinals.

The details of the above interview are so important that it is well to mention the authority on which they rest. The chief one is a letter from Lingard himself to Dr. Rock, written very soon afterwards, and of course no stronger authority could be wished for.[1] But the substance is also corroborated by Dr. Gradwell, who we have seen was present and often spoke of what had occurred at it. A more detailed account appeared after Lingard's death, in Fordyce's *History of Durham*, in which the offer of a Cardinal's hat is said to have been made in so many words, and on the historian begging to be excused, the Pope to have replied that he should be a Cardinal "in petto". This account Wiseman dismisses as "legendary". Tierney, however, showed that it was not so easily to be set aside. It was written by Mrs. Thomas Lomax, who was a very intimate friend of Lingard, and she professed to be quoting the very words in which the historian had often described the incident. Nevertheless, without going so far as to call it "legendary," it is not difficult to imagine how the more precise details might have found their way into the story, in the light of subsequent interpretation, either in the mind of Dr. Lingard himself or in that of his friend. At any rate it is safer to confine ourselves to Lingard's account in his letter to Dr. Rock written at the time, which supplies at least a strong presumption that he received a definite offer. So far indeed we are on ground that has not been substantially controverted, except that Wiseman denies that the presentation of the gold medal had any particular significance.

The main question in dispute, however, is not whether the Pope would have wished to create Lingard a Cardinal, nor even whether he definitely offered to do so. To use Wiseman's own words, "the question, strange as it may sound, is really, *Was* Dr. Lingard actually a Cardinal?" Those who maintain that he was, base their contention on words in the Pope's Allocution at the Consistory on

[1] The letter is quoted in Tierney's *Memoir*, p. 1; and in his *Letter to the Rambler* (republished as a pamphlet, p. 3, n.) he states that the letter was addressed to Dr. Rock.

October 2, 1826, when he created a certain number of Cardinals *in petto*.[1] One of them was said by some to be Lingard.

The following is the text of that part of the Allocution :—

"Praeter hos quatuor, Cardinalem creamus Virum religione, pietate ac doctrina archetypis et nativis e fontibus hausta insignem, qui libris editis Catholicam adversus haereticos et schismaticos veritatem strenue non minus quam feliciter tuetur."[2]

Writing to Dr. Poynter a few weeks afterwards, Dr. Gradwell discusses who it was that the Pope alluded to :—[3]

"Everyone (he writes) interprets this enigma in favour of the author he most esteems. Some thought of Abbé Mennais, but the Pope is surfeited with him since he and his party have raised such a stir in France about the Gallican principles. Others spoke of Mgr. Marchetti, who has written against Fleury, Gibbon, etc. But these writings are little known out of Italy, and he has offended the Pope by the imprudence and violence of his opinions. Many think the Pope designated Mgr. Mai, Custode of the Vatican Library, the discoverer of palimpsests, etc., but these are interesting to literature rather than religion. Still more persons are inclined to think the Pope meant Dr. Lingard; particularly as his Holiness is known to have a very high regard for Lingard, and has been heard to say he wished Dr. L. resided in Rome."

In a letter to Lingard himself, quoted by Tierney,[4] Dr. Gradwell speaks more confidently :—

"The report most prevalent at Rome at present is that the Pope had the Historian of England in his eye; and this is considered the more probable, as it is known that the Pope has a very great esteem for him, often speaks of him, and told him last year that he wished he resided in Rome. This was one of the topics at Torlonia's table last Wednesday. Baron Ancajani, the Pope's nearest relation, was one of the party. They asked me what I thought. I answered that I had no doubt of your deserving the honour; but that such a pro-

[1] For the benefit of those unaccustomed to Roman procedure, it may be explained that it is not unusual for a Pope to create a man Cardinal in his own mind—that is, "*in petto*"—without disclosing his identity. When such a man is subsequently proclaimed, he dates his Cardinalate, for purposes of seniority, not from his public proclamation, but from his reservation "*in petto*". It thus follows that one reserved "*in petto*" is truly a Cardinal, and if Lingard was the person alluded to, he became a Cardinal on that day.

[2] "In addition to these four, we create as Cardinal a man distinguished for religion, piety and learning drawn from original and genuine sources, who by publishing books, defends Catholic truth against heretics and schismatics not less strenuously than successfully."

[3] *Westminster Archives.* [4] Letter to the *Rambler*, republished, p. 9.

motion would be received with less rapture by the Historian than by any one of the four Nuncios."

Lingard himself apparently was inclined to believe the story, for he wrote to a correspondent as follows :—

"Testa [1] wrote the allocution. He is my particular friend: and I have informed him that the report has reached me; that I have laughed at it; but that if I suspected it were true, I should expect from his friendship for me, that he would use all his influence with the Pope (they spend many of their evenings together) to divert him from his purpose. In fact, I cannot bear the idea of expatriating myself, much less of shackling myself with all the state and formality of the Roman court." [2]

As time went on, the idea seems to have grown on him, and in old age he frequently said that at one period he had been actually created a Cardinal *in petto*.

Pope Leo XII. lived two and a half years after this, but never proclaimed the person whom he had reserved *in petto* that day. Tierney's explanation for this is the simple one that the promotion was designed to take effect as soon as Lingard had completed his *History*, and it was not yet completed when the death of the Pope took place.

We now come to consider Cardinal Wiseman's theory, which was that the Pope was referring not to Lingard, but to the well-known Abbé de la Mennais. He contended that the words of the allocution referred manifestly to a writer of controversy rather than history; and declared moreover that whereas Dr. Lingard's name was hardly known outside England, the Abbé de la Mennais, on the other hand, had a European reputation, and that the words of the allocution were in every way applicable to him. Moreover, he produced evidence to show that the Pope had expressed to de la Mennais, as to Lingard, a general wish that he should reside in Rome.[3] Wiseman further declared that the allocution had generally been understood in Rome as applying to de la Mennais, and that Dr. Gradwell in thinking that it applied to Lingard had been moved by partiality. Finally, he accounted for the fact that the promotion had never been promulgated, by the developments of the Abbé's views, which afterwards culminated in his unfortunate apostasy.

With respect to the presentation of the gold medal, Wiseman—as has been said—vehemently denied that such an act was in any way indicative of the recipient being a Cardinal.

As against Wiseman's theory, it may be urged that the reputation

[1] Mgr. Testa, Secretary of Briefs. [2] *Memoir*, p. 15.
[3] Letter to the Chapter, p. 16.

of Abbé de la Mennais had already lost ground in Rome before the date of the allocution. In 1824 indeed when he visited the Eternal City he was received with every mark of honour; it may be remembered that he was one of those who were present at Wiseman's "public act". But Gradwell, writing in 1826, in the letter quoted above, already says that his persistent advocacy of Gallican principles had caused him to lose favour with the Pope. Moreover, the expression as to the "original and genuine sources" would seem to have more point as applied to Lingard than to de la Mennais. This, however, was not sufficiently marked to be decisive against the theory. In the controversy of pamphlets, however much we may regret the tone in which Tierney wrote, it must be admitted that he scored more than one point against his opponent. His accurate historical mind fastened on several loose expressions in the Cardinal's writings, and more than once he convicted him of grave inaccuracy. As against this must be set the fact of Wiseman's intimate knowledge of Roman affairs and Roman politics. His instinct as to the interpretation of such an allocution would bear a strong presumption in its favour. No Englishman—not even Gradwell himself—would have possessed equal qualification for forming a trustworthy estimate on such a matter, and even had he been prejudiced—which we can hardly think that he was—against the truth of the Lingard story, he would be the last man likely to allow this to bias his judgment.

The secret, however, went with Pope Leo XII. down to the grave, and it can now never be more than a matter of conjecture. It is, to say the least, by no means certain that the Pope was alluding to either of the two persons mentioned. Several other names were suggested both at the time and subsequently, as indeed we have already seen from Gradwell's letter quoted above.

APPENDIX O.

FORMS OF OATHS OF ALLEGIANCE, ETC., PROPOSED AT DIFFERENT TIMES TO CATHOLICS.

SEE *The Dawn of the Catholic Revival*, Appendix E, where the following oaths are given:—

Oath of Allegiance enacted in the third year of James I. (1606).
Oath of Allegiance, etc., in the Irish Act of 1774.
Oath of Allegiance, etc., in the English Act of 1778.
Oath of Allegiance, etc., as originally drafted and sanctioned by the Catholic Committee in 1788, showing also the alterations made in 1790.
Oath of Allegiance, etc., as suggested by the vicars apostolic.
Oath of Allegiance, etc., in the Act of 1791 as finally enacted, being the Irish Oath of 1774 with a few slight changes of form.

1. OATH IN THE IRISH ACT OF 1793.

I, A. B., do hereby declare that I do profess the Roman Catholic religion.

I, A. B., do swear that I do abjure, condemn and detest, as unchristian, and impious, the principle that it is lawful to murder, destroy, or anyways injure any persons whatsoever, for or under the pretence of being a heretic; and I do declare solemnly before God that I believe that no act in itself unjust, immoral or wicked, can ever be justified or excused, by or under pretence or colour that it was done either for the good of the Church, or in obedience to any ecclesiastical power whatsoever. I also declare that it is not an article of the Catholic Faith, neither am I thereby required to believe or profess that the Pope is infallible, or that I am bound to obey any order in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such order, but on the contrary, I hold that it would be sinful in me to pay any respect or obedience thereto; I further declare that I do not believe that any sin whatever committed by me can be forgiven at the mere will of any Pope or any priest or of any person or persons whatsoever, but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt and to atone to God, are previous and indispensable

requisites to establish a well-founded expectation of forgiveness, and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: and I do swear that I will defend to the uttermost of my power the settlement and arrangement of property in this country, as established by the laws now in being: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Catholic establishment in its stead: and I do solemnly swear that I will not exercise any privilege to which I am or may become entitled to disturb and weaken the Protestant religion and Protestant Government in this kingdom. So help me God.

2. Oath in the Bill of 1813.

I., A. B., do hereby declare, that I do profess the Roman Catholic Religion; and I do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George the Third, and Him will defend to the utmost of my power, against all conspiracies and attempts whatever, that shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and Successors, all treasons and traitorous conspiracies, which may be formed against Him or them; and I do faithfully promise to maintain, support and defend, to the utmost of my power, the Succession of the Crown, which Succession, by an Act intituled, "An Act for the further limitation of the Crown, and the better securing the rights and liberties of the Subject," is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person, claiming or pretending a right to the Crown of this Realm: I do declare that I do not believe that the Pope of Rome, or any other foreign prince, prelate, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this Realm; I do further declare that it is not an article of my faith, and that I do renounce, reject and abjure the opinion, that princes excommunicated by the Pope or Council, or by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects, or any person whatsoever: I do swear that I will defend to the utmost of my power, the settlement and arrangement of property within this Realm, as established by the Laws: I do swear that I do abjure, condemn and detest, as unchristian and impious, the principle, that it is lawful to

destroy or any ways injure any person whatsoever, for or under the pretence of such person being an Heretic; I do declare solemnly before God, that I believe that no act, in itself unjust or immoral, can ever be justified or excused by or under the pretence or colour, that it was done, either for the good of the Church, or in obedience to any Ecclesiastical power whatsoever: I also declare, that it is not an article of the Roman Catholic Faith, neither am I thereby required to believe or profess, that the Pope is infallible; or that I am bound to obey any order, in its own nature immoral, though the Pope or any Ecclesiastical power should issue or direct such order; but, on the contrary, I hold that it would be sinful in me, to pay any respect or obedience thereto: I further declare that I do not believe, that any sin whatsoever committed by me, can be forgiven, at the mere will of any Pope or of any Priest, or any person or persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament: I do reject and detest, as an unchristian and impious principle, that faith is not to be kept with heretics or infidels: I do hereby disclaim, disavow and solemnly abjure any intention to subvert the present Church Establishment, for the purpose of substituting a Roman Catholic Establishment in its stead; I do solemnly swear, that I will not use any privilege, power or influence, which I do now or may hereafter possess, to overthrow or disturb the present Church Establishment of the United Kingdom; and that I never will, by any conspiracy, contrivance, or device whatsoever, abet others in any attempt to overthrow or disturb the same; and that I will make known to His Majesty, His Heirs and Successors, all attempts, plots, or conspiracies, whether at home or abroad, which shall come to my knowledge, for effecting either of these purposes: I do solemnly, in the presence of God, profess, testify and declare, that I do swear this Oath and make this Declaration, and every part thereof, in the plain and ordinary sense of the words, without any evasion, equivocation or mental reservation whatever; and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this Declaration, or any part thereof, although the Pope, or any other person or authority whatsoever, shall dispense with or annul the same, or declare that it was null and void from the beginning. So help me God.

3. Oath of Supremacy with its Official Interpretation in Plunkett's Bill as Originally Drafted.

N.B.—This form of the Oath of Supremacy dated from 1690. The authorised interpretation was the only original part of it in Plunkett's bill.

I, A. B., do swear that I do from my heart detest and abjure as impious and heretical that damnable doctrine and position, that Princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or murdered by their subjects or any other whatsoever; and I do declare that no foreign Prince, Prelate, State or Potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within this Realm. So help me God.

And whereas His Majesty's Roman Catholic subjects in Great Britain and Ireland have been at all times ready and desirous to take the said Oath of Allegiance in common with his Majesty's other subjects, but entertain scruples with respect to taking the Oath of Supremacy, so far as the same might be construed to import a disclaimer of the Spiritual authority of the Pope or Church of Rome in matters of religious belief:—

And whereas it appears from the admonitions annexed to the injunction of her Majesty Queen Elizabeth, published in the first year of her reign, intituled, "An Act for the insurance of the Queen's regal powers over all estates and subjects within her dominions," that such disclaimer was originally meant only to extend to any such acknowledgment of foreign jurisdiction, power, superiority, pre-eminence or authority, as is or could be incompatible with the civil duty and allegiance which is due to his Majesty and successors from all his subjects:—

And whereas a Legislative explanation to that effect may therefore be properly and safely given and declared;

May it therefore please your Majesty,

That it may be enacted and declared; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons in Parliament assembled, and by the Authority of the same, THAT nothing contained in the said Oath of Supremacy shall be understood to express or imply further or otherwise than that the persons taking the same do thereby unreservedly and unequivocally profess and declare, in the presence of Almighty God, that no foreign Prince, person, Prelate, state or potentate hath or ought to have any jurisdiction, power, supremacy, pre-eminence or authority, temporal, ecclesiastical or spiritual, within this Realm, that in any manner or for any purpose conflicts or interferes with the duty of full and undivided allegiance,

which by the laws of this Realm is due to His Majesty, his Heirs and Successors, from all his Subjects, or with the legal rights of his Majesty's subjects or any of them.

4. Oath in Plunkett's Bill as Revised. Alluded to by Milner as the "Civil Sword Oath".

I, A.B., do swear that I do from my heart detest, abhor and abjure as impious and unchristian, the doctrine and position that Princes excommunicated or deposed by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever; and I do declare that no foreign Prince, Prelate, State or Potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, Ecclesiastical or Spiritual, within this realm that in any manner, or for any purpose, conflicts or interferes with the duty of full and undivided Allegiance, which by the laws of this Realm is due to his Majesty, his Heirs and Successors from all his Subjects, or with the civil duty and obedience which is due to his Courts, Civil and Ecclesiastical, in all matters concerning the legal rights of his subjects or any of them.

5. Oath Proposed by Bishop Milner; and Approved by the Four Archbishops and Six Other Bishops of Ireland at Their Meeting at Maynooth on June 26, 1821.

I, A.B., do declare that I profess the Roman Catholic Religion: and I do sincerely promise and swear that I will be faithful and bear true Allegiance to His Majesty King George the fourth, and him will I defend, to the utmost of my power, against all conspiracies and attempts whatsoever that shall be made against his person, crown or dignity: and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him and them. And I do sincerely confess and acknowledge, that the Protestant succession to the Imperial crown of this United Kingdom and its Dependencies is, by the *Act for the further Limitation of the Crown, and the better securing of the Liberties of the People*, established by law permanently and inviolably; and likewise that the Protestant Episcopal Church of England and Ireland, with the doctrine, discipline and government thereof, and also the Protestant Presbyterian Church of Scotland, with the doctrine, discipline and government thereof, are by the respective Acts of Union between England and Scotland and between Great Britain and Ireland, therein severally established by law permanently and inviolably. And I promise that

I will not attempt nor abet any attempt, whether by open force, or by secret fraud and treachery, to alter the said Protestant succession to the Crown, or to disturb and overthrow the said Protestant Churches or either of them, or to deprive them of their respective rights, privileges or possessions, on any pretext whatsoever. And I do from my heart detest, abhor and abjure the false and treasonable doctrine and position that Princes excommunicated or deposed by the Pope or any authority of the See of Rome may therefore be deposed or murdered by their subjects, or any other whatsoever: and I declare that no foreign Prince, Prelate, State or Potentate hath or ought to have any civil or temporal jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this Realm. Moreover, I reject, abhor and abjure that false and wicked doctrine that good faith is not to be kept with infidels and heretics; likewise that false and cruel position that it is lawful on this account to destroy or otherwise injure them. I solemnly declare before God my firm belief that no act which is itself unlawful, immoral or wicked can ever be justified or excused for or under pretence or colour that it was done for the good of the Church, or in obedience to any ecclesiastical person whatsoever. I also declare that it is not an article of the Roman Catholic Faith, and that I am not thereby required to believe that the Pope is infallible; or that I am bound to obey any order that is in its own nature immoral, though the Pope or any ecclesiastical power should issue or direct such an order: on the contrary, I hold that it would be sinful in me to pay any respect or obedience to it. I further declare that I do not believe that any sin whatsoever committed by me can be forgiven at the mere will of any Pope or priest or person whatsoever, but that sincere sorrow for past sin, and a firm resolution to avoid future guilt, and to atone to God and the injured neighbour, are previous and indispensable requisites to establish a well-founded expectation of forgiveness. I swear that I will defend to the utmost of my power the settlement and arrangement of property in this Realm and every part of it, as the same is established by law. And I do solemnly and in the presence of God profess and testify that I do make this declaration and every part of it in the plain and ordinary sense of the words read to me, without any evasion, equivocation, or mental reservation whatsoever: so help me God.

6. Oath in Sir Francis Burdett's Bill of 1825.

I, A.B., do sincerely promise and swear, that I will be faithful and bear true allegiance to his present Majesty, and will defend him to the utmost of my power against all conspiracies and attempts

whatever that shall be made against his person, crown or dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support and defend to the utmost of my power the succession of the Crown, which succession by an Act intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject* is and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of these realms; and I do swear that I do reject and detest, as unchristian and impious, the position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics or infidels; and also that unchristian and impious principle that Faith is not to be kept with heretics or infidels: and I do further declare that it is not an article of my faith, and that I do renounce, reject and abjure the opinion, that Princes excommunicated by the Pope and Council, or any other authority of the See of Rome, or by any other authorities whatsoever, may be deposed or murdered by their subjects or by any person whatsoever: and I do promise that I will not hold, maintain, or abet any such opinion, or any other opinion contrary to what is expressed in this declaration: and I do declare that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church establishment for the purpose of substituting a Roman Catholic establishment in its stead: and I do solemnly swear that I will never exercise any privilege to which I am or may become entitled to disturb the Protestant religion or Protestant government in this kingdom: and I do solemnly in the presence of God profess, testify and declare that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this Oath, without any evasion, equivocation or mental reservation whatever, and without any dispensation already granted by the Pope or any authority of the See of Rome, or any person whatever, and without thinking that I am or can be acquitted before God and man, or absolved of this declaration, or any part thereof, although the Pope or any other person or authority whatsoever shall dispense with or annul the same, and declare that it was null or void. So help me God.

7. Oath in the Emancipation Act of 1829.

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to his Majesty King George the fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his person, crown or dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support and defend to the utmost of my power the succession of the Crown, which succession by an Act intituled "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject" is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of this realm: and I do further declare that it is not an article of my faith, and that I do renounce, reject and abjure the opinion, that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects or by any person whatsoever: and I do declare that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, person, state or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within the realm as established by the laws, and I do hereby disclaim, disavow and solemnly abjure any intention to subvert the present church establishment as settled by law within this realm: and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant government in the United Kingdom: and I do solemnly in the presence of God profess, testify and declare that I do make this declaration and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation whatsoever. So help me God.

APPENDIX P.

THE BRITISH COLONIES.

During the whole of the episcopate of Bishop Douglass, and through a great part of that of Bishop Poynter, all the Colonies not otherwise provided for were still ecclesiastically subject to the London District. With the growth of our Colonial Empire in the early part of the nineteenth century, the anomaly of this arrangement became increasingly evident and the impossibility of the bishop in London being able to rule effectively at such a distance; but owing to the political troubles in which the Holy See was involved during the Napoleonic wars, culminating in the removal of the Pope to Savona and Fontainebleau, and the expulsion of all the cardinals from Rome, there was no opportunity at that time to give the necessary attention to remedying the evil. When peace was restored and the Pope had returned to Rome, as soon as the business which was actually urgent had been disposed of, in 1816 Dr. Poynter brought the matter of the British Colonies under notice of the Roman authorities, and a settlement was come to within the next few years. In order to complete the account of the work of the English Catholics therefore a few words must be added about each of the various Colonies during the time in which, by a curious irony of expression, they were termed part of the London District.

The Dominion of Canada was never in this position. So early as the year 1674 a bishopric was established at Quebec, which was then in the hands of the French, and no change in this respect was made when it was captured by the English in 1759. The subsequent vicars apostolic or bishops in other parts of Canada were subject to the Bishop of Quebec. Newfoundland was given its separate ecclesiastical government in 1786.[1] The connection of the United States of America with the London District ceased soon after the declaration of Independence, Dr. Carroll being appointed prefect apostolic in 1784, and consecrated as Bishop of Baltimore by Bishop Walmesley at Lulworth six years later. It remains therefore to say a few words on the other Colonies which were eventually

[1] See *Dawn of Catholic Revival*, p. xxvii.

formed into two large vicariates, sometimes loosely spoken of as the West Indies and East Indies respectively, the latter including Cape Colony, as well as Australia and New Zealand.[1]

Western Vicariate.

We begin with the West Indian Islands. These were not only very numerous, but owing to the frequency with which they had been taken and re-taken during the late wars, there was sometimes a doubt as to who was in fact their ecclesiastical superior. Thus, for example, St. Kitts and Antigua were thought to be subject to the Bishop of Baltimore; but the latter writes in 1806 denying this. "Although my 'mandatum' mentions St. Kitts and Antigua," he writes, "I think this is a mistake, and that those islands are subject to the Bishop of the London District." In this he was probably right, for there was a limiting proviso in his brief, excluding any jurisdiction which might be an infringement on that of any other bishop or vicar apostolic; and the British islands were mentioned in the brief of the London Vicar Apostolic. On the other hand, the Danish islands of Santa Cruz, St. Thomas and St. John appear to have been subject to Dr. Carroll, by a rescript of the year 1804, as well as the Dutch island of St. Eustachie; while the French Catholics in Guadeloupe and Martinique had their own superiors or prefects apostolic.

The chief difficulty pressing upon the Catholics in all the islands was the deplorably inadequate supply of priests. In some of them there was no priest at all; in others a Spanish priest either lived or visited from time to time, but could not carry on any systematic ministry. In the more important islands there would be one or more priests, but never enough even approximately to serve the needs of the people. This was not due to want of means. There was usually a regular provision for the support of the clergy, on a liberal scale, commonly amounting to over £200 a year, with a house free, and two or three servants, and a horse. Yet many of these "livings" were vacant. We read at one time of no less than fifteen vacanies in Guadeloupe and nine in St. Lucia. The fact was there was no proper local source of supply, and one result of the long-continued wars was a natural unwillingness to go out to a place where the future was so insecure. Considering how many French priests were living in exile in England and elsewhere, it was no wonder that the poor inhabitants of the West Indian Islands cast longing eyes across the Atlantic, to appeal to them to come and help their fellow-countrymen, as many of the West Indian Catholics were.

[1] The details which follow are taken for the most part from letters which passed between Dr. Poynter and Dr. Gradwell (*Westminster Archives*).

The following story told by Dr. Poynter, in a letter to Dr. Gibson, adds a touch of pathos to the condition of Catholics in those far-off regions, which is worth reproducing :—

"I will tell your Lordship a little anecdote," he writes, "which would deserve a place in the *Lettres Edifiantes*. In one of our colonies where there is no priest, some of the good people have engaged with a priest in one of our chapels in London that he should say Mass for them on Sundays at a certain hour. They, calculating the difference of longitude, know the precise physical and absolute time when the Mass is said, and at that time they join with the priest in the Mass. Thus they hear Mass very devoutly across the Atlantic. Who would not wish to serve such Christians as those?"

Yet in most of the islands the Catholics formed a considerable proportion of the population. Thus, for example, at St. Vincent, they included one-third of the slaves, one-half of the coloured free people, and a small number of whites. The coloured Catholics were described as good and pious, though inclined to superstition. In St. Lucia the great majority of all classes were Catholics; yet there was only one priest, and when he left through ill-health in 1810, the General Procurator had to write to Bishop Douglass to beg him to try and secure a successor to minister to them. In St. Dominica, there were 16,000 Catholics without a single priest. In Grenada the Catholic population numbered over 25,000, the majority being coloured. This island came into the possession of the English so early as 1762; but for long after that it was administered ecclesiastically by the French. The supply of priests was very uncertain; and although the Grenadine Government gave land in 1804 for the erection of a Catholic Church, no regular parish priest could be found until 1813, when the Bishop of Angoulême recommended to Dr. Poynter a French *emigré*, Abbé Planquais. He arrived in August, but by his indiscreet behaviour, soon fell out with the Governor of the island. The latter endeavoured to supplant him by two Spanish priests; but Abbé Planquais rightly denied his right to interfere in spiritual matters. After nearly three years of weary contention, the Abbé was banished and retired to Martinique, where he died of a broken heart in October, 1816.

At Martinique itself, matters had been complicated by a dispute which bordered on a schism. Originally the jurisdiction of the island had been divided between the French Dominicans and Irish Capuchins. Later on the Dominicans essayed to obtain control over the whole island, and obtained a document from Rome which they maintained confirmed their contention, though this the Capuchins in turn denied. In 1809 the island was captured by the

British, and consequently fell under the jurisdiction of Bishop Douglass, which for the time settled the question. Five years later, however, it passed back once more to the hands of the French, and the Dominicans were confirmed in their jurisdiction.

The conditions at Trinidad, which was by far the largest and most important of the islands, were very similar to the others. It had been captured by the English in 1797 ; but for some years after that its ecclesiastical jurisdiction remained in the hands of the Spanish Bishop of Angostura in New Guiana. The Holy See permitted Dr. Douglass in 1805 to send English or French missionaries there, provided, however, that they should receive their faculties from the Spanish bishop. This was manifestly an unsatisfactory state of things, and called for revision at the earliest possible opportunity.

In the year 1816, when the case of the British Colonies came formally for consideration, the Colonial Secretary was Lord Bathurst, who was fortunately a personal friend of Bishop Poynter. It became necessary to consult him at every step, so as to secure Government assistance, and he in turn claimed a controlling voice, at least a negative one, in the form of a right of Veto, on all appointments carrying with them spiritual jurisdiction in the Colonies.

The Holy See decided to create two large vicariates, in the Western and Eastern hemispheres respectively; the former of course concerns our present purpose. The first idea was to nominate a vicar apostolic in bishop's orders, to reside either at Trinidad or Grenada ; and that he should have a French vicar general, who should reside in Dominica, between the French islands of Guadeloupe and Martinique, and perhaps later on divide the vicariate. Dr. Poynter, however, informed Cardinal Litta that the British Government would never consent to the appointment of a French bishop in one of the British Colonies, and after a time, Propaganda gave way, and decided on a single vicariate. The islands named were Jamaica, Tortola, Bermuda, St. Kitts, Nevis, Montserrat, Antigua, Dominica, Barbadoes, St. Lucia, St. Vincent, Grenada, and the adjacent islands, Tobago, Trinidad, Demerara, Essequibo, and Berbice. At the suggestion of Dr. Gibson, Dr. Poynter recommended the Rev. Thomas Gillow, then residing at Callaly Castle, Northumberland, as chaplain to the family of Clavering. His name was submitted to Lord Bathurst, and by him to the Prince Regent, who gave his approval. Mr. Gillow was accordingly nominated as Bishop of Hypsopolis, and Vicar Apostolic of the West Indies. His briefs were drawn out, under date March 27, 1818. As soon as he himself heard of his nomination, however, he begged to be excused, on the score of

health, alleging his extreme nervousness of appearing in public, and still more that he had contracted a skin disease, which would probably soon disfigure his face. After a delay of some months, in the hope that his health might improve, his resignation was eventually accepted; but his after history causes some doubt to be thrown on the validity of his excuse; for soon afterwards he removed to North Shields, where he founded a new mission, and laboured indefatigably for more than thirty years, living to the advanced age of eighty-seven.

Dr. Poynter's choice next fell upon Rev. James Buckley, who had recently retired from the Presidentship of the English College at Lisbon; and his name also having been approved by the Prince Regent, the appointment was confirmed by Rome. He was consecrated as Bishop of Gerren, privately by Dr. Poynter, at his house in Castle Street, on June 29, 1819, the assistants being Revv. J. Yorke Bramston and Joseph Carpue. After his consecration, he seems to have experienced some discouragement for a time, owing to difficulties he met with at the Colonial Office; but these being eventually settled, he set sail on February 22, 1820, and after a voyage of thirty days, landed safely in Trinidad, where he was to fix his abode, on March 23. From that date therefore the dependence of the West Indian Islands on the London Vicar Apostolic came to an end, and they began their own independent ecclesiastical history.

The Eastern Vicariate.

Turning now to the Eastern hemisphere, we begin with the colony at the Cape of Good Hope—"Promontorium bonæ spei," as it was quaintly translated into Latin. So long as Cape Town was in possession of the Dutch, three priests were in residence, nominally as army chaplains, but practically ministering also to the few Catholic civilian residents. When the British took the Cape in 1806, the Dutch soldiers were withdrawn, and with them the three priests. These latter expressed their readiness to return as ordinary missionaries, and Dr. Douglass drew out a memorial to Mr. Windham, Secretary for War, begging that this might be permitted; but owing to the troubled times, the Government did not give their mind to the matter till ten years later, by which time Dr. Douglass was dead, and Dr. Poynter had succeeded him. In October, 1816, when the general question of the Colonies was being discussed, Dr. Poynter pressed the matter, and received an answer from Lord Bathurst that the British Government would have no objection to a priest going to the Cape, provided that he was properly qualified, and a subject of his Majesty. Hence of course the former Dutch priests were ruled out. He made a similar restriction as to the Mauritius, which before 1810

had belonged to the French and was still subject to the jurisdiction of the Archbishop of Paris. He expressed as before insuperable objections to authorising a foreign jurisdiction in a British dependency. In order to meet these views, Propaganda determined to entrust the whole mission to the English Benedictines. The Rev. Edward Bede Slater, O.S.B., was accordingly consecrated in Rome on June 28, 1818, as Bishop of Ruspa, and Vicar Apostolic of the Mauritius. The Cape of Good Hope was also included in his vicariate,—an arrangement which would have appeared more natural then than now, as the only way of reaching Mauritius was *via* the Cape. On his way out therefore he stayed a short time at Cape Town, and left Father Scully, an Irish priest, in charge of the mission.

Besides Mauritius and the Cape, the whole of Australasia was likewise comprised in Dr. Slater's vicariate. The missionary development of that far-off colony was complicated by the attempt of an unauthorised priest to settle there, which led to unfortunate results. This was one Jeremiah Flynn, formerly a Trappist at Lulworth.[1] He had already had a somewhat chequered history. In 1813 he obtained permission to leave his monastery in order to join the Abbot of La Trappe, Dom Augustin, then in London, in his proposed mission to the West Indies. Dr. Poynter, when visiting Lulworth, ordained him priest on March 29 of that year, and in June the new community embarked for Martinique. During the voyage, however, Father Flynn fell out with the abbot, and on one occasion even threatened to strike him. The abbot replied by excommunicating him for his insubordination. When they landed in Martinique further difficulties arose, for—as they had previously done at Lulworth—the Trappist monks refused to pray for the King of England, Martinique having at that time passed into British hands. In consequence of the feeling this aroused, Sir Charles Wale, the Governor, took measures for their expulsion; but the mission came to a natural end on the restoration of the Bourbons very shortly afterwards, when the abbot and most of his followers returned to France. Father Flynn took refuge in the Island of Santa Cruz, where he disregarded his suspension and ministered in company with another priest; and after the latter's death, he continued by himself. By the Treaty of Peace in 1814, however, the island passed back into the hands of the Danes, and Flynn, having no written faculties, found it necessary to return home. He then went to Rome, and being backed by the influence of several Irish

[1] The account of the Flynn case here given, together with further details, are from letters among the *Westminster Archives*. See also *Orthodox Journal*, January, 1819, p. 31; and February, 1819, p. 83; and a letter from Dr. Poynter to Dr. Collingridge in the *Clifton Archives*.

bishops, he obtained absolution from his censures, and likewise became secularised, receiving an appointment as Prefect Apostolic of New South Wales, with power to administer the Sacrament of Confirmation. Before the end of the year 1816, he was back in Ireland, soliciting funds for his undertaking, and preparing to start.

An unlooked-for difficulty, however, arose, that it was necessary to obtain permission from the Home Government in order to make sure of being allowed to land. Flynn accordingly wrote to Lord Bathurst himself, and followed this up by going to London, and calling on Mr. Goulburn, the Under-Secretary. The latter consented to arrange a meeting between Lord Bathurst and Dr. Poynter, who Flynn hoped would give him the requisite recommendation. Dr. Poynter, however, was not prepared to take this responsibility. Lord Bathurst declared that the Government were willing to pay the passage of any suitable priest and to give him a salary; but he had already been prejudiced against Flynn by the tone of his letter, which he said showed him to be a man of no education. Finding that Dr. Poynter maintained a careful reserve, and declined any positive recommendation, Lord Bathurst told Flynn by a letter dated February 28, 1817, that he did not consider him a suitable candidate and that he must refuse him permission to go.

Notwithstanding this refusal, Flynn determined to go, and embarked on board the *Duke of Wellington*, which sailed from London on March 31, 1817. Before leaving, he wrote to Father England, of Cork, asking him to request the good offices of Sir Henry Parnell on his behalf, to obtain authorisation for him from the Government, and on the strength of this, he stated to every one that he "was expecting his papers to follow him". He arrived at Hobart Town (Tasmania) on October 21, and was favourably received; but when he proceeded to Sydney, his reception was less favourable. It is difficult to know exactly what occurred, as Flynn wrote contradictory accounts according as it served his purpose. Writing to Dr. Troy soon after his arrival, he said that all was going well, and he asked that some other priest should be induced to join him. One Father Nolan volunteered, and would probably have started, but that Dr. Poynter warned him that it was questionable whether he would find Flynn still there on his arrival. Writing to Father England on December 8, Flynn gave a very different version of his reception, declaring that the Governor, Lachlan Macquarie, had demanded his papers, and finding that he had none, had forbidden him to minister in the Colony, and commanded him to depart at an early date. He likewise said that Macquarie had declared that one religion was enough for a Colony, and that he wished to make all the

people Protestants. It would seem, however, that Flynn was exaggerating somewhat. No doubt Macquarie viewed his arrival with disfavour, and was far from pleased at the prospect of a Catholic settlement at all. Nevertheless, his subsequent conduct shows that he would not have refused to give the necessary facilities had Flynn been able to show proper authorisation. Even as it was, he did not act with any rigid harshness. He warned Flynn indeed not to delay his departure beyond the date of the *Duke of Wellington* starting on her homeward voyage, and he ordered the captain to convey him home free of expense; but in the event Flynn stayed some six months or more, during which period he said Mass regularly without being molested, in various houses, sometimes before a small congregation, and administered the sacraments to many. He appears to have made a very favourable impression among the Catholics of Sydney, an impression which was strengthened by the idea that he was the victim of persecution.

It would appear, however, that some time during the following spring, Macquarie received a communication from Lord Bathurst, informing him of what had occurred, for quite suddenly, on May 9, 1818, Flynn was apprehended, and after four days' detention was put forcibly on board the *David Shaw*, which was just starting for England. The suddenness of his arrest is probably the explanation of the well-known story of his leaving the Blessed Sacrament in the private house in which it was habitually kept. There it remained, unguarded by any priest, for over two years. In that house the faithful continued to assemble on Sundays for prayer; and on the site occupied by it stands to-day the church of St. Patrick.

On November 16, after a voyage of six months, the *David Shaw* anchored in the Dover roads, from whence Flynn wrote to Dr. Poynter, to beg his assistance and patronage. This, however, the Bishop was unwilling to give; but a correspondence ensued between him and Dr. Troy, and also Cardinal Litta, Prefect of Propaganda, which resulted in two Irish priests, Revv. John Joseph Therry and Philip Connolly, volunteering for the Australian Mission. It was soon after this, that Dr. Slater was appointed Vicar Apostolic of the Mauritius, and as his vicariate extended to Australia, the two priests placed themselves under his jurisdiction before they set out.

The matter of the expulsion of Father Flynn was brought before the House of Commons on February 18, 1819, when Mr. Goulburn, the Under-Secretary, declared that the Government would be willing to assist any suitable priest, but that it was difficult to find such to go out either to the West Indies or Australia; and that the only reason that Flynn was sent back was that he had failed to obtain the re-

quisite certificate from his own ecclesiastical superiors. The Government proved as good as their word, and learning that two duly authorised priests were about to go out, they gave them each a yearly salary of £100.

The subsequent history of Father Flynn seems to have been in keeping with his restless character. In 1820 we find him again in the West Indies, in San Domingo, then under Spanish rule. During his two years' stay, he seems to have made a large amount of money on a coffee plantation. A revolution then occurred, and a republic was set up. At the request of the President, Mgr. Glory, Bishop of Macri, was authorised by Rome to proceed to the island, with a few priests. He soon fell out with Flynn, and the President banished them both. The ship conveying the bishop and two priests was lost with all hands; but Father Flynn was more fortunate, and arrived safely in Philadelphia in the spring of 1822, bringing with him over £3000 worth of coffee. Once more he intrigued against the bishop of the place, who wrote that he was a bad man, with no religion left if he had ever had any. Finding himself unable to obtain employment, Flynn proceeded to Dominica. Dr. Buckley resented his intrusion, and after six months' correspondence with the Governor, succeeded in having him expelled. At this point we lose sight of him. He had become a comparatively rich man, and there is reason to think that he ceased to exercise his priestly office.

For an account of the development of the mission in the Antipodes, after the arrival of Fathers Therry and Connolly, the reader may be referred to Dom Norbert Birt's *Benedictine Pioneers in Australia.*

CHRONOLOGICAL TABLE OF EVENTS IN VOL. III.

1820.	Jan. 29.	Reign of George IV. begins.
	Feb. 20.	Address of English Catholics to the new King.
	June 7.	Petition for Emancipation known as the "Civil Sword Petition" presented to the King.
	Aug.-Nov.	Trial of Queen Caroline. Bill withdrawn.
1821.	Feb. 28.	Petition of English Catholics presented to the House of Commons by Lord Nugent. Irish Petition presented by Plunkett. Majority of 6 in favour of Catholics.
	Mar. 2.	Plunkett's bills for Emancipation with "securities," containing Oath of Supremacy, with official explanation of its meaning as not inconsistent with Catholic teaching: leave given for introduction.
	Mar. 7.	Plunkett's bills read first time.
	Mar. 13.	Milner issues protest against the Oath in the bill.
	Mar. 16.	Plunkett's bills: second reading carried by majority of 11.
	Mar. 19.	Amendment of Oath in accordance with Dr. Poynter's requisition.
	Mar. 23-27.	Plunkett's bills in Committee. Plunkett having been called back to Ireland, Sir John Newport takes up the bills and announces that they are to be consolidated into one. Second "Civil Sword Petition" by Catholic Board as a reply to Milner's protest.
	Mar. 29.	The bill reported to the House.
	April 2.	The bill read the third time.
	April 3.	The Catholic Board refuse Dr. Poynter's amendment, and pass vote of unqualified thanks to House of Commons.
		The bill read the first time in House of Lords.

1821.	April 17.	The bill rejected on second reading by House of Lords by 159 to 120.
	June 2.	Death of Bishop Gibson.
	June 13.	Death of Rev. Charles Plowden.
	June 26.	Milner having crossed to Ireland, meets the bishops at Maynooth, having drafted an Oath to offer as an alternative.
	Aug.	Milner tours through England and Scotland to commend his new Oath to the vicars apostolic.
	Aug. 21- Sept. 12.	The King's visit to Ireland.
1822.	Mar. 19.	Death of Cardinal Fontana. Cardinal Consalvi "Pro-Prefect" of Propaganda.
	Mar. 23.	Charles Butler appeals to Rome against Milner.
	April 17.	Catholic question raised in House of Commons by Sir Francis Burdett. Debate cut short by dispute between him and Canning.
	May 8.	Milner interdicts Charles Butler from receiving sacraments.
	May 29.	Death of Edward Jerningham.
	June.	Canning's bill to enable Catholic Peers to sit in Parliament passed by House of Commons but thrown out by the Lords.
	Aug. 7.	Suicide of Lord Castlereagh.
	Aug.	Dr. Poynter goes to Paris to obtain the documents relative to Douay claims, withheld by the French Government.
1823.	Feb.	Dr. Poynter returns to England without having obtained the documents. He appeals to the Government to accept his proofs in lieu of documents.
	Mar.	The Commissioners announce that the Douay claims will be paid.
	May.	The Commissioners raise difficulties against payment of Douay claims on the plea that the money is destined for "superstitious uses".
	May 1.	Dr. Baines consecrated bishop as Coadjutor of the Western District by Dr. Murray, in Old Townsend Street Chapel, Dublin.
	May 23.	First meeting of Catholic Association in Dublin.

1823.	June 2.	First meeting of British Catholic Association in London.
	June.	Bills for "partial Emancipation" introduced by Lord Nugent and pass the House of Commons, but rejected by the Lords.
	June 29.	Dr. Bramston consecrated bishop as Coadjutor of the London District at St. Edmund's College by Dr. Poynter.
	Aug. 20.	Death of Pius VII.
	Sept. 27.	Cardinal della Genga elected Pope, taking the name of Leo XII.
	Oct. 3.	Death of Rev. John Daniel. Rev. Francis Tuite succeeds as titular President of Douay.
1824.	Jan. 19.	The Douay claims rejected. Dr. Poynter decides to appeal to the Privy Council.
	Jan. 24.	Death of Cardinal Consalvi. Cardinal Zurla becomes Prefect of Propaganda.
	May.	Bills for "Partial Emancipation" rejected by the Lords.
	June.	Bill passed to enable the Duke of Norfolk to exercise his office of Earl Marshal.
	June 29.	Dr. Penswick consecrated bishop as Coadjutor of Northern District by Dr. Poynter at Ushaw.
1825.	Jan.	O'Connell tried for seditious language. The Grand Jury throw out the bill by 15 to 8.
	Feb. 10.	Goulburn's bill introduced, for suppression of Catholic Association. O'Connell and Sheil come to London as deputies of the Association; but Parliament refuses to hear them.
	Feb. 26.	O'Connell's great speech at meeting of English Catholics.
	Mar. 9.	Goulburn's bill, having passed both Houses of Parliament with large majorities, receives Royal Assent.
	Mar. 23.	Sir Francis Burdett's bill for Emancipation, drafted by O'Connell, to be accompanied by two "wings" for Veto and State payment of Clergy, introduced into House of Commons.
	April 21.	Second reading carried by 268 to 241.

1825.	May 1.	Consecration of Dr. Walsh as Coadjutor in Midland District, by Bishop Milner at Wolverhampton. All the English bishops present, and a formal reconciliation effected with Milner.
	May 10.	The bill having passed the remaining stages in the Commons, is taken to the Lords and read the first time.
	May 17.	The bill thrown out by the Lords by majority of 48. The "wings," which had been introduced into the House of Commons, were accordingly dropped.
	June 8.	Scheme of "New Catholic Association" to evade the "Algerine Act," propounded in Dublin by O'Connell.
	June 12.	Appeal as to Douay claims in part heard.
	July 2.	Appeal concluded. Judgment reserved.
	Nov. 25.	Lord Gifford delivers final judgment confirming the rejection of the Douay claims.
1826.	Jan. 1.	The "Jubilee" kept in Rome during the previous year is extended to the rest of the world this year.
	April 19.	Death of Bishop Milner. Bishop Walsh succeeds as Vicar Apostolic of the Midland District.
	May.	At the suggestion of the Catholic Association, the vicars apostolic issue a printed Declaration of Catholic Doctrine.
	June.	General election. Mr. Villiers Stuart elected for Waterford in place of Lord George Beresford, by action of "Forty-shilling Freeholders".
		Order of "Liberators" founded by O'Connell for protection of "Forty-shilling Freeholders".
	Aug. 6.	Consecration of Dr. Weld as Coadjutor of Kingston (Ontario), at St. Edmund's College, by Dr. Poynter.
1827.	Mar. 5.	Catholic question moved by Sir Francis Burdett. Majority of 4 against Catholics.
		Illness and resignation of Lord Liverpool after fifteen years' Premiership.
		Lord Eldon fails to form a Ministry.

1827.	Mar. 5.	Canning becomes Prime Minister. The Duke of Wellington and others refuse to serve under him. Ministry completed by aid of the Whigs.
	Aug. 8.	Death of Canning. Lord Goderich Prime Minister.
	Nov. 26.	Death of Bishop Poynter. Bishop Bramston succeeds as Vicar Apostolic of London District.
	Dec. 1.	Death of Rev. Joseph Berington.
1828.	Jan. 8.	Resignation of Lord Goderich. The Duke of Wellington forms a Ministry, with Peel as leader of the House of Commons.
	Feb. 26.	Lord Russell's bill for the repeal of the Test Act passed by 237 to 193—a majority of 44 against the Government.
	May 8.	The Catholic question raised in House of Commons by Sir Francis Burdett. Motion for Committee carried by 272 to 266.
	June 10.	Motion negatived by the Lords.
	June.	A partial reconstruction of the Government necessitates a by-election for the County of Clare. O'Connell determines to stand against the existing member, Mr. Vesey FitzGerald.
	June 24.	Dr. Gradwell consecrated bishop coadjutor to Dr. Bramston, by Cardinal Zurla, at English College, Rome. Dr. Wiseman succeeds as pro-rector, and a little later becomes rector.
	July 5.	O'Connell elected M.P. for Clare by majority of 1075.
	Aug. 2.	Algerine Act having expired, the old Catholic Association re-established.
	Aug.	Peel and Wellington in correspondence about the Catholic question, gradually favouring Emancipation.
	Aug. 23.	Dr. Gradwell arrives in London.
	Dec. 4.	Death of Lord Liverpool.
1829.	Jan. 1.	The Society of Jesus is formally restored in England.
	Jan. 13.	The King agrees to Catholic Emancipation being discussed by the Cabinet.

1829.	Jan. 19.	Lord Anglesey, having been recalled, leaves Ireland.
	Jan. 21.	Special Meeting of the British Catholic Association. Dissensions lead to the dissolution of the Association.
	Feb. 5.	Parliament opened. The King's speech announces a new Irish policy, to be preceded by a bill for the suppression of the Catholic Association.
	Feb. 10.	Death of Pope Leo XII.
	Feb. 10-24.	Bill for suppression of the Catholic Association passed through Parliament. It received the Royal Assent on March 5.
	Feb. 20.	Peel accepts the Stewardship of the Chiltern Hundreds, and offers himself for re-election as member for University of Oxford; but he is defeated by Sir John Inglis, the majority in whose favour is 146.
	Mar. 3.	Death of Bishop Collingridge. Bishop Baines succeeds as Vicar Apostolic of Western District.
		Peel having been elected for the pocket borough of Westbury, takes his seat in the House of Commons. The same evening the Ministers appear before the King, who vetoes Emancipation, and accepts their resignation; but the following evening he begs them to continue in office, and withdraws his veto.
	Mar. 5.	Emancipation Bill introduced in House of Commons on a motion to go into Committee. Peel's speech occupies four hours. After two nights' debate, motion is carried by 348 to 160.
	Mar. 10.	Emancipation Bill—First reading without a division.
	Mar. 17.	Emancipation Bill—Second reading: majority 180.
	Mar. 23, 24.	Emancipation Bill—Committee stage.
	Mar. 27.	Emancipation Bill—Report stage.
	Mar. 30.	Emancipation Bill—Third reading: majority 178.
	Mar. 31.	Cardinal Castiglioni elected Pope, taking the name of Pius VIII.

1829.	Mar. 31.	Emancipation Bill in House of Lords—First reading unopposed.
	April 2-5.	Emancipation Bill in House of Lords—Second reading carried after three nights' debate by majority of 105.
	April 7-8.	Emancipation Bill in House of Lords—Committee stage.
	April 10.	Emancipation Bill in House of Lords—Third reading: majority 109.
	April 13.	Royal Assent given to Emancipation Act; also to Disfranchisement Act (Ireland), which had been carried through both Houses *pari passu* with the Emancipation Act.
	May 4.	The Earl of Surrey elected M.P. for Horsham, and is the first Catholic member to take his seat under the new Act.
	May 15.	O'Connell attempts to take his seat for Clare; but the House decides that the Act is not retrospective.
	June 2.	Last meeting of British Catholic Association to wind up accounts, etc.
	July 30.	O'Connell re-elected for Clare.
1830.	April 30.	The "Cisalpine Club" dissolved and reformed as the "Emancipation Club".
	Oct. 26.	The first new Parliament after the Emancipation Act: ten Catholic members for Irish constituencies and six for English.

INDEX OF VOL. III.

Abbott, Right Hon. Charles, *see* Colchester, Lord.
Acton, Mgr. Charles, 187, 281.
Address of laymen on behalf of Stonyhurst Fathers, 37, 39 *seq.*; text of, 294.
Allies, T. W., 183.
Althorpe, Lord, 212, 213.
Ampleforth Monastery, 97.
Andrews, W. E., 195, 260.
Anglesey, Marquis of, 164, 213, 231, 232, 236, 237, 238, 239, 240, 263, 276.
Antonelli, Cardinal, 4.
Apland, Rev. Mr., 217.
Apologetical Epistle of Dr. Poynter, 102.
Archer, Rev. James, 199.
Argenti, Rev. Father, 10.
Armagh, (Protestant) Archbishop of, 262.

Babington, Dr., 192.
Baines, Bishop Peter Augustine, 96, 97, 98, 99, 200, 202, 203, 205, 271, 281, 337.
Bankes, Mr., 70.
Bartram, Mr., 6.
Bathurst, Dr., Bishop of Norwich, 278.
Bathurst, Earl, 176.
Beaufoy, Mr., 215.
Belfast, 237.
Bellew, Sir Patrick, 203, 276.
Benson, Rev. W., 63.
Beresford, Lord George, 171.
Berington, Rev. Joseph, 57.
Berkeley, Mr., 268.
Beste, Henry Digby, 284.
Bible Society, 10.
Birmingham, St. Chad's Cathedral, 280.
— Archbishop of, 257.
— Archives quoted, 5, 179, 287.
Blake, Mr., 44.
Blanchardists, the, 10.
Blandyke, 129.
Blount, Edward, discusses Oath in Plunkett's Bill, 65; 81, 83; Secretary of Catholic Board and afterwards of British Catholic Association, 116; speech accepting "securities," 243; defends himself against Irish, 245; makes peace with O'Connell, 249; praised by O'Connell, 268; testimonial of English Catholics to, 269; M.P. for Steyning in 1830, 276; loses his seat after Reform Act, 277.
Blount, Stephen, 269.
Blount, Sir Walter, 65.
Blount, Rev. Walter, 63.
Bonney, Rev. E., 199.
Borgia, Cardinal, 19, 189, 286, 287.
Bragge-Bathurst, Mr., 65.
Bramston, Bishop James Yorke, 30, 53; elected bishop coadjutor, 95; Dr. Poynter's esteem for, 96; consecration of, 98; urged Dr. Poynter not to declare purposes of Douay funds, 137; resided separately, 178; 186, 189; went to Bath and brought Dr. Poynter back to London, 192; administered last rites, 193; pontificated at obsequies, 194; conveyed his heart to St. Edmund's College, 196; succeeded as Vicar Apostolic of London District, 197; asked Dr. Gradwell to become his coadjutor, 198; 202, 205, 270; pastoral on Emancipation, 272; advantage of his former Cambridge education at time of Emancipation, 280.
Braschi, Cardinal, 3, 5.
Bric, Mr., 118.
Brooke, Rev. C., 189.
Brougham, Henry (afterwards Lord), 91, 127, 175, 176, 215, 263, 266.
Brunswick Clubs, 235, 236.
Brzowoski, Father, 54.
Burdett, Sir Francis, 91, 124, 163, 174, 176, 218.
Burke, Sir John, 276.
Butler, Charles, signs Stonyhurst petition, 37; complains of textual changes therein, 43; 46; on "Civil Sword Oath," 72; 80, 81, 83, 86;

Bishop Bramston his pupil, 95; appeals to Holy See against Milner, 99; interdicted by Milner, 101; second appeal to Holy See, 103; 111; describes dinner of emancipated Dissenters, 217; opinion that Catholics can legally sit in Parliament, 221; presented to King after Emancipation, 264; last years, 277; first Catholic K.C., 278; rejoiced to see Emancipation, 280.

Cameron, Bishop Alexander, 82, 84, 155, 326.

Canning, speaks in favour of Plunkett's bill, 65; speaks in Committee, 70; introduces bill in favour of Catholic peers, 88; re-enters Cabinet as Foreign Secretary, 89; dispute with Brougham, 91; speaks for suppression of Catholic Association, 120, 121; on Committee to prepare Burdett's bill, 124; speaks at second reading debate, 126; 139; Dr. Poynter appeals to him on Douay claims, 147; he resents the appeal, 148; the most proper candidate as Prime Minister, 175; he deprecates his appointment because of his views on Catholic question, 176; appointed Prime Minister, *ibid.*; death, 177; 205, 216.

Canterbury, Archbishop of, 262.

Capellari, Cardinal, 191, 204.

Caprano, Mgr., 16, 18, 189, 203, 205.

Carnarvon, Lord, 122.

Caroline, Queen, 59.

Carron, Abbé, 184, 186.

Castlereagh, Lord, obligations of the Holy See to him, 21; opposed to restoration of Jesuits in England, 24; in frequent correspondence with Consalvi, 30; 45; on Committee to draft Plunkett's bill, 60; suicide while of unsound mind, 89; had recently succeeded as Marquis of Londonderry, 138; 147, 250.

Catholic Association, the, founded by O'Connell, 112 *seq.*; first meeting, 113; establishment of "Catholic Rent," 114; bill to suppress, 120; refounded in new form, 166 *seq.*; pledged themselves to oppose Wellington's Government, 213; refused O'Connell's proposal to rescind pledge, 218; O'Connell accepted as candidate for Clare, 221; on expiry of "Algerine Act" Association restored to old form, 234; determination of Government to suppress, 247; bill for that purpose, 249; voluntarily dissolved by advice of O'Connell, *ibid.*

— — the British, established, 116; at first on cordial terms with Irish, 117; Mr. Blount's speech on "securities," 243; the Irish threaten to cease all intercourse, 244; turbulent meeting, 244; dissolution, 268.

— Emancipation—state of question in 1820, 57; consideration postponed by trial of Queen Caroline, 59; Plunkett's bill with Oath of Supremacy accompanied by authorised interpretation, 60; accompanied by bill for "securities," 61; Plunkett refuses Dr. Poynter's modifications, 62; Milner opposes bill, 63; second reading carried by small majority, 65; oath modified according to Dr. Poynter's requirements, *ibid.*; Irish bishops divided in opinion, 66; O'Connell accepts bills, 69; bills consolidated into one, 70; Catholic Board ready to recommend Oath, 71; Dr. Poynter authorises them to do so, 73; bill thrown out by Lords, 75; Milner continues to oppose Oath, 77; Rome does not condemn it, 78; Milner prepares alternative Oath, 79; King's visit to Ireland, 86; disappointment at lack of result, 87; Canning's bill in favour of Catholic Peers (1822) thrown out by Lords, 88; other abortive attempts at "partial Emancipation," 92; Catholic Association founded by O'Connell, 112; "Catholic Rent" established, 114; British Catholic Association founded, 116; abortive attempts of Government to prosecute O'Connell, 119; Goulburn's bill to suppress Catholic Association, 120; O'Connell comes to London, 122; addresses English Catholics, 123; Burdett's Emancipation Bill, 124; the two "Wings," 125; passed House of Commons, 126; Duke of York's speech in the Lords, 127; bill thrown out by Lords, 127; disappointment in Ireland, 163; "New Catholic Association" founded, 166; Sheil's religious census, 167; sympathy of Dissenters, 168; Sir Robert Horton calls for an official declaration of Catholic doctrine, 169; drawn out by Dr. Poynter, *ibid.*; general election, 170; contest at Waterford,

171; Lord George Beresford beaten by Villiers Stuart by aid of "Forty-shilling Freeholders," *ibid.*; other similar elections, 172; "Order of Liberators" founded for protection of "Forty-shilling Freeholders," 173; discussion whether to join forces with Dissenters, 174; resignation of Lord Liverpool, 175; Canning Prime Minister, 176; his death, 177; Lord Goderich Prime Minister, *ibid.*; resigns, 212; Wellington Prime Minister with Peel leader of Commons, *ibid.*; sources of weakness of Wellington Cabinet, 213; Lord John Russell's motion for repeal of Test Act, 214; Government defeated, 216; dinner to celebrate emancipation of Dissenters, 217; reconstruction of Government necessitating by-election at Clare, 219; O'Connell stands, 220; incidents of election, 222 *seq.*; O'Connell returned, 226; Wellington and Peel discuss whole question of Ireland, 229; Lord Anglesey on state of Ireland, 231; Peel and Wellington converted to a policy of concession, 232; on expiry of "Algerine Act," old Catholic Association re-established, 235; Lord Anglesey recalled, 237; Wellington's letter to Dr. Curtis, 238; Peel resigns, to enable new policy to be carried out, 240; King gives reluctant consent for Cabinet to consider whole question, 242; Peel withdraws his resignation, 242; difficulties between English and Irish Catholics, 243; turbulent meeting of British Catholic Association, 245; new policy in King's speech at opening of Parliament, 247; O'Connell arrives in London, 248; bill to suppress Catholic Association, 249; Association dissolves voluntarily, 249; Peel resigns seat for Oxford, and fails to obtain re-election, 250; accepts "pocket borough" of Westbury, 251; King refuses consent to Emancipation Bill, *ibid.*; withdraws refusal, 252; Peel introduces bill, *ibid.*; description of it, 253 *seq.*; no "securities," but restrictive clauses, 257; bill welcomed by most Catholics, 260; but not by all, *ibid.*; Emancipation Bill passes both Houses with large majorities, 262; receives royal assent, 263.

Catholic Miscellany, the, 77.
Caverswall Castle, 158.
Challoner, Bishop Richard, 20, 27.
Cisalpine Club, 25; O'Connell blackballed, 267; dissolved and re-constituted as "Emancipation Club," 269.
Clare election, 212 *seq.*; 230, 231, 261; second election, 266.
Claughton, 2.
Clifford, Lord, 39, 217, 265.
Clifford, Hugh, 117.
Clifton Archives quoted, 51, 78, 79, 96, 110, 203, 309, 310, 337, 339.
Clongowes Wood, College at, 19, 189.
Colchester, Lord, 70, 218.
Collingridge, Bishop Peter Bernardine, 3; reasons for not joining in general letter of VV. AA. on Jesuit question, 50; writes his own letter on subject, 51; acts in concert with Dr. Poynter on Oath in Plunkett's bill, 72; approves of Dr. Poynter's letter to Archbishop Curtis about Milner, 84; obtains Dr. Baines as coadjutor, 96; unable to consecrate him, 97; assists at consecration of Dr. Walsh, 153; 203; changes his mind on Jesuit question, 206; petitions Rome for their restoration, 207; 209; death, 281; letter to Dr. Poynter (Nov. 16, 1821) 324.
Colonies, the British, 363; ecclesiastical history of, *ibid.*
Colwich, 271.
Congress, Eucharistic, in London, 257.
Consalvi, Cardinal, becomes temporarily Protector of English College, Rome, 3; restored college, 5; arranges art lectures, 14; supports Dr. Poynter on Jesuit question, 21; 23, 30, 31, 37, 40, 41; signs reversal of Somaglian Decree, 52; 54, 78, 95, 100; retires on death of Pius VII., 107; returns, 108; death, *ibid.*; esteem for Dr. Poynter, 109; 191, 205, 208, 209, 306; letter to Poynter (April 18, 1820), 307.
Constable, Sir Thomas Clifford, 184, 276, 277.
Convention Act, 113.
Coombes, Rev. W. A., 206, 261.
Coppinger, Bishop, 68.
Corbishley, Rev. Mr., 181, 182.
Corsini, Cardinal, 5.
Corvetto, M., 155.
Coutiche, 129.
Crook Hall, 2, 109.
Curtis, Archbishop, elected Archbishop by Wellington's influence, 80; approves of Oath in Plunkett's bill,

83; attempted to make peace between Dr. Poynter and Milner, 84 *seq.*; 110; writes introduction to Dr. Poynter for O'Connell, 118; a witness in Commission on Ireland, 123; 124; letter to Dr. Poynter on failure of Burdett's bill, 163; correspondence with Wellington, 237; letter to Dr. Poynter (Oct. 22, 1821), 311.

Dalgairns, J. B., 283.
Daniel, Rev. John, 131, 135, 138, 142, 147, 155.
Dawn of the Catholic Revival, 5, 27.
Dawson, Mr., 235.
Declaration of VV. AA. (1826), 166.
Decree of Propaganda on Jesuit question, 288.
Denman, Sir Thomas, 278.
Devereux, Rev. J., 205.
Devonshire, Duke of, 165.
Digby, Kenelm, 187, 188.
Diplomatic relations proposed with Holy See, 203.
Dissenters, Catholics propose to unite with, 158; they are sympathetic with Catholics, 168; controversy among Catholics whether to unite with, 173; Lord John Russell's bill in favour of, 214, 216; dinner to celebrate their Emancipation, 217; *See also* Test and Corporation Acts.
Donoughmore, Lord, 80.
Doria, Cardinal, 13.
Dormer, Lord, 265.
Douay Claims, 128 *seq.*; 341 *seq.*
Douay College, 2, 56; see also Douay Claims.
Douglass, Bishop, 49, 56, 85, 96.
Downside, 281.
Doyle, Bishop, 66, 67, 68, 165; scheme for re-union, 150 *seq.*, 165.
Dublin Diocesan Archives quoted, 68, 79, 91.
Duckett, Canon, 161.
Dudley, Lord, 219.
Duncannon, Lord, 265.
Durham, 50.
Durham, Bishop of, 263.

Ebrington, Lord, 265.
Ecclesiastical titles, 257.
Eldon, Lord, 88, 91, 175, 176, 213, 218, 263.
Ennis, 222.
Errington, George, 200, 270, 281.
Everard, Archbishop, 155.
Eyston, Charles, 277.

Faber, F. W., 283.
Farquharson, Rev. Mr., 132.
Ferris, Rev. Richard, 135.
"Fifth Resolution," Milner returns to, 10, 103.
Fingall, Earl of, 13, 265.
FitzGerald, Vesey, 219, 220, 223 *seq.*
Fitzgibbon, Mr., 59.
Fitzherbert, T., 277.
Fitzherbert, Mrs., 59, 282.
Fletcher, Rev. John, 99, 182, 199.
Fonblanque, Mr., "the father of the English Bar," 145.
Fontana, Cardinal, 32, 41, 43, 53, 77, 79, 95, 99, 100, 309.
Fortis, Rev. Father, elected General of the Jesuits, 54.
"Forty-shilling Freeholders," proposed disfranchisement of, 125; agreed to by O'Connell, 126; "revolt" of, at Waterford election, 170; their importance at Clare election, 225; 249; Disfranchisement Bill, 255; passed, 263.
Fox, 177, 215, 277, 278.
Froude, Hurrell, 283.
Fryer, Mgr., 194.

Gage, Rookwood, 268.
Galeassi, Signor, 8, 13.
Gandolphy, Rev. Peter, 28, 48.
George IV., accession, 1; address and petition of Catholic Board, 58; visit to Ireland, 86; opposition of, to Emancipation, 234; Wellington brings matter before him, 241; consents that question shall be discussed, 242; speech at opening of Parliament foreshadowing new policy, 247; takes fright and dismisses Ministers, 251; withdraws dismissal, 252; Royal assent to Emancipation, 263.
Gibson, Bishop William, 2, 25, 28, 31, 32, 33; weak state of health, 35; death, 56; 94, 109, 129, 134, 205.
Gifford, Lord, judgment on Douay claims, 145.
Gillow, Henry, 14.
Gillow, Rev. John, 110.
Glover, Rev. Father, 205, 208.
Goderich, Lord, Prime Minister, 177; resigns, 212; 218, 263.
Goulburn, Right Hon. Mr., 87, 120, 121, 213.
Gradwell, Bishop Robert, importance of his work, 1; appointed Roman agent, 2; disastrous journey, 6; safe arrival in Rome, 7; appointed Rector of English College, *ibid.*, 8; Milner refuses co-operation, 9; or to accept him as agent, 10; dis-

appointed by late arrival of students, 12; describes successes obtained, 14 *seq.*; especially Wiseman's defensions, 17 *seq.*; 19; an opponent of the Jesuits, 29; his influence against them, 30; 34, 38; accusations against, by friends of Jesuits, 39; communicates with Dr. Poynter, who consults Lord Sidmouth, 40; investigates Stonyhurst Petition, 41 *seq.*; 51; appeals to Pope against Somaglian Decree, 52; consulted by Dr. Poynter about "Civil Sword Oath," 77; answers that it has not been condemned at Rome, 78; 80; negotiations about appointment of Dr. Bramston, 95 *seq.*; receives Butler's account of his appeal against Milner, 100; absent in England when Pius VII. died, 104; reports illness and recovery of new Pope, 107; account of Consalvi's death, 108; 111, 157; still antagonistic to Jesuits, 191; receives letter from Dr. Bramston asking him to be his coadjutor, 197; his answer, *ibid.*; sums up his work in Rome, 198; on "public act" of George Errington, 200; receives the Pope at Monte Porzio, 201; elected bishop, 203; consecration, 205; 208, 209; does not oppose restoration of Jesuits, 211; arrives in London, 212; 281.

Grant, Right Hon. Mr. C., 219.

Grassi, Rev. Father, 23, 25, 29, 31, 54, 205.

Grattan, 57, 59.

Gregorio, Cardinal, 13.

Grenville, Lord, 88, 215.

Grey, Earl, 86, 165, 263.

Griffiths, Rev. Thomas, President of St. Edmund's College, 25, 188, 189; his account of Dr. Poynter's death, 193 *seq.*; takes his heart to College, 196; too young to become coadjutor bishop, 197; name, however, included in *terna*, 203, 204; Honorary D.D., 205; 281.

Haile, Martin, 199.

Halford, Sir H., 192.

Hammond, George, 134.

Havard, Rev. Lewis, 194.

Hayes, Rev. Richard, 28, 68.

Herries, Mr., 212, 213.

Hippisley, Sir John Coxe, 8, 30, 45, 134; death, 205.

Hodder, 29.

Holland, Lord, 93, 278.

Horton, Sir Robert Wilmot, 169.

Howard, Mr., of Corby, 268.

Howard, P. H., 276.

Hughes, Rev. J., 33.

Husenbeth, Rev. F. C., 282; *Life of Milner* quoted, 152, 153.

Huskisson, Right Hon. William, 212, 213, 216, 218, 219.

Inglis, Sir John, 262.

Irish bishops, 80; pastoral on Emancipation, 273.

Jerningham, Edward, 72, 88, 99.

Jerningham, Henry Stafford, 276.

Jesuits, English, formerly governed English College, Rome, 4; application of Rev. E. Walsh for their reinstatement, 5; rumoured further attempts to regain probably untrue, 7; restored in Ireland, 19; VV. AA. unwilling to recognise, 20; Dr. Poynter protests he is not hostile, 20; question raised in Parliament, 21; view of the Stonyhurst Fathers, 23; memorial of Father Grassi, 24; recognised by Irish bishops, 25; attitude of VV. AA., 27; Rev. E. Walsh's unsuccessful journey to Rome, 28; Charles Plowden made Rector of Stonyhurst, 29; Litta writes to Dr. Gibson that Jesuits are restored, 31; letter revoked by order of Pope, 32; question of Wigan chapels, 33; compromised, 34; Milner intervenes, 35; petition of laymen to Rome, 37; Somaglian Decree issued, *ibid.*; Gradwell defends himself on question of Jesuits, 39; correspondence between Dr. Poynter and Lord Sidmouth, 40; questions raised as to laymen's petition, 42 *seq.*; Somaglian Decree opposed by VV. AA., 47; Memorial to them by Plowden, 50; Somaglian Decree revoked, 53; Plowden goes to Rome, 54; unsuccessful, *ibid.*; dies on way home, 55; memorials of Father Brooke, 189; Dr. Poynter firm, 190; Bishop Weld intervenes unsuccessfully, 191; question re-opened, 205; Bishop Collingridge changes his view, 206; Bishop Baines in Rome works on behalf of the Society, 208; petition for restoration by Collingridge and Baines, 209; restoration, 210.

Text of Documents: Cardinal Borgia to Bishop Douglass (Dec. 3, 1803), 286; to Bishop Milner (March 17, 1804), 287; Decree of Propaganda (August 9, 1813), 288;

Vienna Rescript approving of affiliation to Jesuits in Russia (Dec. 24, 1813), 289; Cardinal Litta's Explanation of Bull *Sollicitudo* (Dec. 2, 1815), *ibid.*; Cardinal Litta to Bishop Gibson (Feb. 14, 1818), 290; Revocation (May 5, 1818), *ibid.*; Bishop Milner to Bishop Gibson (Oct., 1818), 291; Bishop Milner to Cardinal Litta (Oct. 5, 1818), 292; Address of Laymen to Pope (Oct. 28, 1818), 294; Somaglian Decree (Dec. 14, 1818), 298; Cardinal Somaglia to Bishop Milner (Dec. 23, 1818), 299; Correspondence between Dr. Poynter and Lord Sidmouth, *ibid.*; Lingard to Gradwell (Oct. 28, 1819), 302; Revocation of Somaglian Decree (April 18, 1820), 304; Cardinal Consalvi to Bishop Poynter (April 18, 1820), 307; Cardinal Fontana to Bishop Milner, 309; to Rev. Charles Plowden, *ibid.*; Petition of Bishops Collingridge and Baines for Restoration, *ibid.*; Bull of Restoration, 310.

Kavanagh, W., 14, 15.
Kelly, Bishop, 67.
Killeen, Lord, 13, 203, 276.
Kimbell, Rev. Joseph, 186.
Kirk, Rev. John, 5, 47, 99, 147, 149, 282.

Lamennais, Abbé, 17, 199.
Lamspring, 97.
Langan, Rev. J., 142.
Langdale, Charles, 277, 282.
Langdale, James, 267.
Lansdowne, Marquis of, 165, 218, 263.
Leo XII., election, 107; illness and recovery, 107; visits country house of English College, 201; sends present to Gradwell, 202; his answer about proposed diplomatic relations with England, 204; confirms appointment of Gradwell as Bishop, *ibid.*; death, 269, 271, 283.
Leo XIII., 283.
Lewis, David, 283.
"Liberators," Order of, 173, 266.
Liége, 25.
Lieutenant, Lord, office excluded from Emancipation, 255.
Lingard, Rev. John, 3, 6, 50, 66; whether a Cardinal, 199, 282, 350; letter to Gradwell on Jesuit question (Oct. 28, 1819), 302.
Litta, Cardinal, 2, 3, 13, 22, 30, 31, 32, 33, 131, 189, 289, 290.
Liverpool, Archbishop of, 257.
Liverpool, Lord, 75, 80, 88, 123, 147, 175, 205, 213, 215.
London, Bishop of, 263.
Londonderry, Marquis of, *see* Castlereagh, Lord.
Lopez, Sir Manasseh.
Louis XVIII., 133, 155.
Louth, 172.
Lyndhurst, Lord, 263.

McDermott, Mr., 268.
McDonnell, Eneas, 244, 245, 246, 268.
McDonnell, Bishop, 186.
McDonnell, Rev. T., 187, 249.
Mackintosh, Sir James, 60, 64, 65, 144, 218.
McKenzie, Mr. Colin, 134, 140.
McNamara, Mr., 219, 220.
Macpherson, Rev. Paul, 2, 4, 5, 8, 10, 13.
Magee, Dr., 152.
Mahon, O'Gorman, 237, 244, 248.
Manning, Cardinal, 96.
Marriage Act, 259.
Marriage Laws, 93.
Marshal, Earl, office of, 93.
Martyn, Rev. F., 110, 160, 161.
Mathew, Father, 283.
Mattei, Cardinal, 13.
Mawman, Mr., 199.
Maynooth College, 80, 81, 84, 86, 115.
Milner, Bishop John, petitions for restoration of English College, Rome, 5; refuses to send students there under Gradwell, 9; or to accept Gradwell as his agent, 10; favours the Jesuits, 20; intervenes in Wigan dispute, 35; visits Stonyhurst, *ibid.*; writes to Propaganda suggesting compromise on Stonyhurst question, 36; 37, 38, 46, 50; his "compromise" revoked by Rome, 53; 58; opposes Plunkett's bills, 63, 64; Irish bishops do not share his attitude, 66; differences with the Irish bishops, 68; 71, 72; rejoices in defeat of Plunkett's bill, 76; declares Rome to have condemned "Civil Sword Oath," 77; draws up alternative Oath, 79; visits Ireland, England and Scotland to propose it to bishops, 80; writes to Poynter, 81; 84, 85; writes to Propaganda about Oath, 90; communicates with Plunkett, 91; becomes senior V. A., 94; 97, 98; refuses to meet C. Butler, 99; 100, 101; interdicts Butler from sacraments, 102; condemns "Roman Catholic Principles, etc.," *ibid.*; reverts to Fifth Resolution, 103; 110, 111, 122; opposed to Burdett's bill, 125; signs declaration as to

destination of Douay funds, 138; last works, 150; opposes Bishop Doyle's project for re-union, 152; health failing, 153; obtains coadjutor, *ibid.*; not softened to Dr. Poynter, 154; attacks him for his conduct of the affair of the Douay Claims, 156; 157; description of last illness, 158 *seq.*; death and funeral, 161; estimate of his career, 162; his words on Dr. Poynter quoted, 195; his error about Hippisley, 205; 210, 260.
Letters: to Dr. Gradwell (1818), 9; to Dr. Murray (April, 1818), 68; to the same (May, 1821), 79; to Dr. Collingridge (March, 1822), *ibid.*; to Dr. Poynter (Sept., 1821), 81; to Dr. Murray (Sept., 1821), 84; to the same (Jan., 1823), 90; to Dr. Kirk (Sept., 1825), 154; to Dr. Poynter (Dec., 1825), 156; to Mr. Rosson (March, 1826), 157; to Dr. Gibson (Oct., 1818), 291; to Cardinal Litta (Oct., 1818), 292; to Dr. Poynter (Dec., 1822), 326; to the same (Jan., 1823), 336; to Dr. Baines (Oct., 1823), 339.
Monaghan, 172.
Monte Porzio, visit of the Pope to, 201.
Month, the, 7, 22.
Moorfields Church, 179, 194.
Moran, Cardinal, 283.
More, Rev. Thomas, 27.
Moriarty, Bishop, 283.
Morier, D. R., 136, 137, 145.
Murray, Archbishop, approves of Oath in Plunkett's bill, 66; 79, 84, 85, 90; succeeds Dr. Troy as Archbishop of Dublin, 123; consecrates Dr. Baines, *ibid.*; audience of King Louis on claims, 133; 165, 189, 283.

Napoleon, 101.
Neville, 192.
New Catholic Association, 163.
Newenham, Rev. Mr., 151.
Newman, Henry, 283.
Newnham, George, 134.
Newport, Sir John, 60, 218.
Newsham, Rev. Father, 35.
Newsham, Rev. Charles, 281.
Norfolk, Duke of, 93, 116, 123, 249, 265, 267, 268, 282.
Northcote, J. Spencer, 283.
Northumberland, Duke of, 239.
Nugent, Lord, 59, 64, 92.

Oath of Supremacy, *see* Catholic Emancipation.
Oath, text of the, in various bills of acts of Parliament, etc., 355.
O'Brien, Sir William, 223.
O'Callaghan, Rev. Jeremiah, 261.
O'Connell, Daniel, agitates for Reform, 69; Address to Irish people accepting Oath in Plunkett's bill, *ibid.*; founds Catholic Association, 112 *seq.*; establishes "Catholic Rent" 114; anxious for cordial relations with English Catholics, 117; proposed deputation, 118; futile prosecution of, for seditious language, 119; journey to London, 121; in House of Commons, 122; speaks before English Catholics, 123; drafts Emancipation Bill, 124; no provision for English Catholics, 125; agreed to "securities" in the "wings," 126; after rejection of bill returns to Ireland, 165; founds "New Catholic Association," 166; 168; at Waterford election, 171; establishes "Order of Liberators," 173; 176, 212; pledge to oppose hostile government, 213; proposal not to oppose Wellington's Government negatived, 218; 219; agrees to contest Clare, 220; his election address, *ibid.*, 221; British Catholic Association subscribe for expenses, 222; speech at Ennis, 225; elected by large majority, 226; serious effects of his election, 228; no immediate attempt to take his seat, 229; effects pacification of Tipperary, 236; 240; protests against Blount's speech on "securities," 243; orders rupture with British Catholic Association, 246; arrives in London, 248; advises dissolution of Catholic Association, 249; presented to King, 264; claimed benefit of new Act, 265; pleads at Bar of House, 266; re-elected for Clare, 267; blackballed for Cisalpine Club, *ibid.*; British Catholic Association passes vote of thanks to, 269; 276, 284.
O'Connor, T. P., 276.
O'Conor Don, the, 276.
O'Conor, Rev. Charles, 181 *seq.*
Odescalchi, Cardinal, 271.
O'Gorman Mahon, *see* Mahon, O'Gorman.
O'Hagan, Lord, 284.
Old Hall, St. Edmund's College, 11, 13, 24, 25, 41, 97, 98, 109, 157, 179, 189, 196, 207, 281.
O'Loughran, Sir Michael, 284.
Oscott College, 9, 23, 25, 99, 110, 153, 157, 280, 281.

O'Reilly, Archbishop, 80.
Orthodox Journal, the, 98, 260.

Pacca, Cardinal, 18, 22, 105.
Palmerston, Lord, 213, 219.
Paris, English Seminary at, Claims, 128 *seq.*
Parnell, Sir Henry, 67, 68.
Paterson, Bishop, 84, 132.
Patronage of Chaplaincies, 48.
Pedecini, Mgr. C. F., 100, 291, 299.
Peel, opposed to Catholics, 65; votes against "partial Emancipation," 88; 119; speaks against Burdett's bill, 126; 176, 213; reasons for Government not resigning after defeat on Test Act, 216; 225, 227; discusses state of Ireland with Wellington, 229 *seq.*; in favour of concession, 232; dissatisfied with Wellington's plan, 233; 236; recalls Lord Anglesey, 239; resigns 240; consents to continue, 242; resigns seat at Oxford and offers himself for re-election, 250; defeated, *ibid.*; accepts pocket borough of Westbury, 251; introduces Emancipation Bill, 252 *seq.*; restrictive clauses, 257; ecclesiastical grievances not removed, 259; bill passed, 261; 283.
Pennenden Heath, 234.
Penswick, Bishop, 109, 186.
Perceval, 215.
Petre, Edward, 217, 276, 277.
Petre, Lord, 49, 265.
Phillipps, Ambrose March, 187, 188.
Pius VII., Pope, 3, 5, 13, 15, 21, 29, 30, 31, 32, 37, 43, 51, 52, 54, 95, 104, 209.
Pius VIII., elected, 270; informed by Wiseman of Catholic Emancipation, *ibid.*
Plowden, C., Rector of Stonyhurst, 29; 31, 33; on Wigan Chapels, 34 *seq.*; 37, 38, 43, 45, 46; memorial to VV. AA., 50; 53; goes to Rome, 54; unsuccessful, 55; death, 55; 184, 205.
Plunkett, two bills described, 60; modified, 65; 71, 81, 83, 87, 88, 89, 91, 120, 124, 175, 263.
Pollen, Rev. J. H., S.J., 7, 22.
Ponsonby, Right Hon. George, 59.
Portland, Duke of, 215.
Poynter, Bishop William, differences with Macpherson, 2; petitions for restoration of English College, Rome, 3; Consalvi his friend, 4; Milner's differences with him, 9; 10; favours students at Rome frequenting external lectures, 14; views on Jesuits, 20; supported by Consalvi, 21; and at first by Litta, 22; 24, 30; helps Dr. Gibson on Jesuit question, 31; his influence through Consalvi, 32; correspondence with Lord Sidmouth about the Jesuits, 40; 42, 43; opinion of "Somaglian Decree," 47; 50, 51; receives formal revocation of "Somaglian Decree," 52; interview with Plowden, 53; firm on Jesuit question, 54; learns of Plunkett's bills and Oath, 62; makes ineffectual request for modifications, *ibid.*; his changes afterwards accepted, 65; 66, 71; negotiations with Catholic Board, 72; declares the Oath lawful, 73; inquiries as to Rome's attitude on Oath, 77; 81; correspondence with Milner on Oath, 83; correspondence with Dr. Curtis, 84; prepares petition on marriage question, 93; 94; petitions for Bramston as coadjutor, 95; 97, 98, 99, 102; feels death of Consalvi, 109; 110; draws up Declaration of Catholic Doctrine, 116; 117, 118, 124, 129; visit to Paris (1815) to prosecute Douay Claims, 130; audience of King, *ibid.*; referred back to Commissioners, 131, 132; draws out memorial, 133; recovers "personal claims," 134; 136, 137; signs declaration as to destination of Douay funds, 138; further journey to Paris, *ibid.*; appeals to Canning with success, 139; new point of "superstitious uses" raised, 140, 142; consulted by Commissioners on details of award, 143; determines to appeal, 144; disappointment at rejection of claims, 146; draws out "Observations" for further appeal, 147; correspondence with Canning, 148; final disappointment, 149; correspondence with Milner on loss of funds, 153 *seq.*; asked to preach Milner's funeral sermon, 161; 163; prepares Declaration of Catholic Doctrine, 169; opposed to joint action with Dissenters, 174; 178; publishes *Evidences*, etc., 179; 180, 181, 182; institutes Clergy Retreat, 183; consecrates Bishop Weld, 186; 188; further discussion about the Jesuits, 189; created "Assistant at Pontifical Throne," 192; illness, *ibid.*; death. 194; obsequies, 194; removed to St. Edmund's College,

196; 197, 205, 207, 208, 209, 258, 271; text of correspondence with Lord Sidmouth, 290 *seq.*
Letters: to Dr. Kirk (Sept., 1819), 47; to Bishop Collingridge (Jan., 1820), 51; to Edward Jerningham (April, 1821), 72; to Dr. Gradwell (April, 1821), 77; to Milner (Sept., 1821), 83; to Milner (Nov., 1825), 154; to Archbishop Curtis (Nov., 1821), 314.
Prior Park, 281.
Prujean, Mr., 144.
Pugin, A. W., 282.

QUARANTOTTI, Cardinal, 4, 290.

RAYMENT, Rev. B., 81.
Redesdale, Lord, 218.
Ripon, Marquis of, 150, 177.
Robinson, Mr., *see* Goderich, Lord.
Rock, Daniel, 11, 14, 15, 282.
Rome, English College, Milner and Poynter petition for revival, 3; Macpherson petitions for new cardinal protector, 4; question of national superiors, 4; unsuccessful application on behalf of Jesuits, 5; Lingard's influence, *ibid.*; Gradwell appointed, 6; his disastrous journey, *ibid.*; rumours about further attempts of Jesuits, probably untrue, 7; Gradwell installed, *ibid.*; Milner dissociates himself from College, 9; other VV. AA. send out students, 11; their arrival described by Wiseman, 12; temporary discontent, *ibid.*; Rev. Robert Varley, vice-rector, 13; succeeded by Rev. William White, *ibid.*; great success in the schools, 14; Wiseman's "public act," 15 *seq.*; obsequies of Pius VII. described by Rev. William White, 105; death of Consalvi described by Gradwell, 108; Gradwell appointed bishop, 198; summary of work of College, 198; "public act" of Errington, 200; the Pope visits the country house of College, 200; Wiseman, vice-rector, 201; Consecration of Gradwell, 204; Wiseman succeeds as pro-rector, 205; College illuminated in honour of Emancipation, 270; Hon. George Spencer enters College, 281.
Rome, Archives of English College quoted, 5, 11, 21, 25, 77, 78, 110, 111.
Rosse, Sir David, 220.
Rosson, Mr., 157, 268.
Russell, Dr., President of Maynooth, 283.
Russell, Lord John, 214.
Ryan, Rev. M., 194.

SADLER, Michael, 262.
Sadlier, Dr., 152.
St. Omer, English College at, Claims, 128 *seq.*
Salamanca, Irish College at, 80, 115.
Scarlett, Sir James, 266.
Scott, Rev. E., 102, 111.
Sedgley Park, 153, 161.
Shaftesbury, Lady, 13.
Sheil, Richard Lalor, feud with O'Connel, 69; describes depression of his countrymen, 87; joins O'Connell on Catholic Association, 113; proposed deputation to England, 118; journey to London, 121; joins O'Connell in foundation of "New Catholic Association," 166; organises religious census, 167; speech at Pennenden Heath, Kent, 234; position in Parliament after Emancipation, 276; still fights on behalf of Catholics, 284.
Sheriffs, Catholic, after Emancipation, 277.
Shrewsbury, Earl of, 265, 282.
Sidmouth, Lord, 24, 39, 40, 205, 299 *seq.*
Smelt, Rev. Robert, death of, 2.
Smith, Bishop Thomas, 36, 50, 84, 98, 109, 133, 272, 277, 280, 325.
Somaglia, Cardinal, 13, 37, 38, 45, 107, 189.
"Somaglian Decree," 298 *seq*, 304 *seq.*,
Southworth, Rev. Richard, 129.
Spencer, Hon. George, conversion of, 281.
Stafford, Lord, 217, 265.
Stanhope, Lord, 215.
Stanley, Sir Thomas, 277.
Stone, Rev. Marmaduke, 27.
Stonor, Thomas, 267.
Stonor Park, 102.
Stonyhurst, 25, 27, 29, 35, 37, 44, 49, 51, 281.
Stourton, Lord, 123, 217, 265.
Stourton, Philip, 13.
Stuart, Sir Charles, 132, 137.
Stuart, Villiers, 171.
Sugden, Mr., 266.
"Superstitious uses," 140, 259.
Surrey, Earl of, 265, 276.
Sussex, Duke of, 217, 218.
Sutton, Mr. Speaker, 70.

TALBOT, Bishop James, 129, 134.

Tempest, Stephen, 42, 45, 46.
Test and Corporation Acts, 216 *seq.*
Thatched House Tavern, 260.
Thompson, Rev. Richard, 33, 35.
Throckmorton, Sir John, 57.
Throckmorton, Lady, 179, 192.
Tichborne, Sir Henry, 277.
Tierney, Rev. Mark, 282.
Tipperary, 236.
Towneley, Peregrine, 277.
Townsend Street Chapel, Dublin, 97.
Troy, Archbishop, 25, 66, 67, 79, 80, 83, 84, 97.
Truthteller, the, 260, 264.
Tuite, Rev. Francis, 128, 131, 133, 135, 143, 162, 188, 192, 193.

Ullathorne, William Bernard, 281.
Unitarians, Resolution of, in favour of Catholics, 168.
Ushaw College, 2, 11, 13, 25, 35, 56, 110, 281.

Valladolid, English College at, 281.
Varley, Rev. Robert, 13.
Vaughan, Cardinal, 49, 282.
Vavasour, E., 268.
Vincent, Sir Francis, 276.

Walsh, Archbishop, 283.
Walsh, Bishop Thomas, 99, 110, 153, 158, 161, 280.
Walsh, Rev. E., 5, 28.
Ward, William, 262.
Ward, W. G., 283.
Waterford election, 170 *seq.*, 231.
Weber, Carl von, 180.
Weedall, Rev. Henry, 110, 249, 281.
Weld, Bishop Thomas, early life, 184, 185; consecrated Bishop, 186; unsuccessful petition of, on behalf of Jesuits, 191; 194, 207, 281.
Wellesley, Marquis, 87, 218, 284.
Wellington, Duke of, procures election of Dr. Curtis to Armagh, 80; his apprehensions about Catholic Association, 119; promises to take up matter of Douay claims, 132; considered unlikely Prime Minister, 175; on appointment of Canning he leaves the Cabinet, 176; resumed under Lord Goderich, 177; appointed Prime Minister, 212; weaknesses of his Government, 213; opposes Catholics in House of Lords, 218; reconstruction of his Government leading to Clare election, 219; supports Vesey Fitz-Gerald, 224; discusses whole question with Peel, 229; partially converted to Emancipation, 232; his views deemed by Peel insufficient, 233; 236; distrusts Anglesey, 237; letter to Archbishop Curtis, 238; 239, 240; brings Emancipation before King, 241; induces Peel to withdraw his resignation, 242; 261; speech in House of Lords on second reading of Emancipation Bill, 262; expresses wish that Catholics should henceforth cease to be a separate body, 264.
Westminster Archives quoted, 6, 9, 20, 22, 31, 36, 42, 47, 81, 83, 90, 94, 105, 108, 117, 118, 128 *seq.*, 149, 154, 156, 157, 159, 163, 181 *seq.*, 184, 190, 193, 198, 200, 244, 286, 289, 290, 291, 292, 299, 304, 311 *seq.*, 341, 352, 364 *seq.*
Wetherell, Sir C., 262.
White, Rev. William, 13, 104.
Wigan, chapels at, 33 *seq.*
Wilberforce, Mr., 63, 64.
Wilberforce, Henry, 283.
Wilkes, Rev. Joseph Cuthbert, O.S.B., 277.
"Wings" to Burdett's Emancipation Bill, 125 *seq.*
Wiseman, Nicholas, recommended from Ushaw, 11; journey to Rome, 12; his "public act," 15, 199, 200; vice-rector, 201; pro-rector, 205; rector, 270; informs Pope of Emancipation, *ibid.*; 281.
Wolverhampton, anecdote about O'Connell at, 127.
Woulfe, Mr., 118.
Wyse, Thomas, jun., 114, 115, 165, 167, 173, 223, 246, 276.

York, Duke of, 88; speaks against Plunkett's Emancipation Bill, 75; speaks against Burdett's Emancipation Bill, 127.

Zurla, Cardinal, 16, 17, 18, 205.

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